

EXHIBIT 3



ALMADANI LAW

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Date: March 25, 2024 | Via E-Mail (elsubpoenas@meta.com) and Overnight Mail

Meta Platforms, Inc.
1 Meta Way
Menlo Park, CA 94025

RE: *Porter, et al. v. County of Solano, et al.*, No. 2:21-cv-01473-KJM-JDP (E.D. Cal.)
Civil Records Subpoena

Attn: Meta Platforms,

This letter is being sent to you with regards to the civil records subpoena duly served on Meta Platforms, Inc. ("Meta") on February 13, 2024 in connection with the above-referenced matter. For your convenient reference, a copy of the subpoena and proof of service is enclosed herewith as Exhibit A.

We are in receipt of Meta's auto-generated form objections to the subpoena. After serving the subpoena and receiving the automated reply, Array, our designated agent handling compliance with the subpoena, has made numerous efforts to contact a live person regarding the subpoena, but was unable to locate anyone.

Accordingly, we are sending this letter in an effort to meet and confer regarding Meta's objections and the need for us to promptly move for an order compelling compliance with the subpoena.

By way of background, this is a civil rights action against Solano County and its Sheriff's Office, as well as individual officers, arising out of constitutional and state violations for excessive force, false arrest, unlawful search and seizure, and violations of equal protection. The case concerns Nakia Porter, a 5-foot, 2-inch, 125-pound African American Intel software engineer at the time in her thirties who was beaten unconscious by Solano County deputies when she pulled over off an exit off the 80 freeway in the City of Dixon with her toddlers on the night of August 6, 2020, to switch drivers with her 60-year old father. Ms. Porter had committed no crime. Nevertheless, she was arrested after being beaten, but all charges were dropped as it was readily observable from the body cam and dash cam videos that she had done nothing wrong and that the County Sheriff's deputies were the aggressors with no legal justification for taking the actions they did. The deputies also put Ms. Porter's elderly father in handcuffs and put him in the back of another police car for no reason, leaving Ms. Porter's two daughters (6 and 4 at the time) and her niece (3 years old) alone in the back seat during the County's infliction of terror on this innocent family. Attached hereto as Exhibit B is a copy of the operative complaint in this matter.



Re: *Porter v. County of Solano, et al.*
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The subpoena at issue pertains to the social media accounts of Roy Stockton, a sergeant with the Solano County Sheriff's Office. Pursuant to the operative complaint, Sergeant Stockton knowingly and willfully approved falsified police reports and authored his own falsified police report to have Ms. Porter prosecuted, as well as protect the two deputies who physically assaulted Ms. Porter (Deputies Dalton McCampbell and Lisa McDowell) from discipline and prosecution.

Sergeant Stockton's biases, credibility, and ability to uphold his oath of office are squarely at issue in this litigation. The evidence from social media postings, including those advertising his online store, that were once public confirm Sergeant Stockton's involvement in and support of the Three Percenter movement — an antigovernment group whose members and affiliates espouse racist ideologies and which was founded in response to the presidency of President Barack Obama. This is highly relevant to Plaintiffs' claims, which, among others, include an equal protection claim and a Ralph Civil Rights Act claim for violence against Plaintiffs on account of their race, color, and ancestry, as well as excessive force and falsification of evidence claims. (Exhibit B at ¶¶ 119-125, 136-143.)

Specifically, Sergeant Stockton received a gift from his friend and fellow law enforcement officer (Cully Pratt) of a gun rack containing the Three-Percenter symbol surrounded by shotgun shells similar to confederate flags, with an AR-15 on the rack and the words "Will Not Comply." (Exhibit D.). The social media post where this gift was displayed contained, among other hashtags, the following: "#willnotcomply," "#livefreeordie," "#3percenter," and "#blackgunsmatter." Sergeant Stockton proudly hung this anti-government/racist gun rack in his garage.

Sergeant Stockton also made and sold leather goods containing the Three Percenter symbol on his online store called "High Brass Leather." (Exhibit E ("Leather items for your pocket.")). The Instagram account for his online store called High Brass Leather, containing relevant posts, photos, videos and comments was mysteriously taken private after the lawsuit was filed. (*Id.*)

On November 7, 2016, Sergeant Stockton reposted a collage of highly threatening guns, including numerous glocks and assault rifles, on his Facebook account "live_free_edc," with the message "Getting ready for the election tomorrow [emojis]. Still mind-boggling that Hillary is not in jail. Just remember when you go vote '13 hours' [U.S. flag emoji]." (Exhibit F.) The post contained several hashtags of the names of guns, #donttreadonme, and @thepatriotmilitia.

To make matters worse, when we asked Sergeant Stockton about these posts and his unmistakable support and knowledge of the Three Percenter movement, Sergeant Stockton perjured himself by refusing to provide honest answers—instead pretending he knew nothing despite the overwhelming objective evidence implicating him with this highly dangerous anti-government movement with members espousing white supremacist views and whose members were implicated in the January 6, 2020, insurrection at the Capitol to overthrow the government.



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In short, the point is that contrary to the automated objections we received from Meta, the records sought pursuant to the subpoena are highly relevant to the claims in this case and concern posts that were public.

We also want to be very clear that we are not asking Meta to produce private communications or postings and, therefore, there is no basis for any objection that Meta is legally precluded from producing the records under the Stored Communications Act (SCA). We are willing to limit the scope of Request Nos. 1 and 3 of our subpoena to cover only those materials that were publicly available on the Facebook and Instagram accounts with the usernames “live_free_edc” and “highbrassleather.” Such publicly available materials are not protected by any rights or privacy or statutory protections under the SCA. *See Facebook, Inc. v. Superior Court*, 4 Cal. 5th 1245, 1274 (2018) (concluding that “communications configured by a social media user to be public fall within section 2702(b)(3)’s lawful consent exception, presumptively permitting disclosure by a provider.”); 18 U.S.C. § 2511(2)(g) (“It shall not be unlawful under [the SCA] for any person ... to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public”)

Finally, Plaintiffs have been unable to obtain all requested discovery directly from Mr. Stockton. Plaintiffs propounded a formal request for production of document upon Mr. Stockton seeking the following:

For the period of ten years preceding the INCIDENT on August 6, 2020, through the present date, all DOCUMENTS, including e-mails and social media messages and postings, relating to all social, political, militant, pro-gun rights, patriotic, American nationalist, fascist, racist, white supremacist, or white nationalist organizations, clubs, associations, or groups that YOU belong/belonged to, are/were affiliated with, or attended meetings of. Examples of such organizations, clubs, associations, or groups in this [Request] includes, but is not limited to, Proud Boys, Oath Keepers, Three Percenters, Constitutional Sheriffs, Boogaloo Movement, National Rifle Association, and the Ku Klux Klan.

(*See Exhibit C.*) Mr. Stockton provided a verified response to this request indicating he is producing “all responsive documents in his possession, custody, and control.” (*Id.*)

However, although Mr. Stockton produced a modicum of his Facebook and Instagram posts, it is clear that many of the responsive postings were omitted from the production. For example, none of the postings Stockton was confronted with at his depositions—which were available from public articles—were a part of Stockton’s production.



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There is also no valid argument that the requested records are private. Several news articles reported on Mr. Stockton's public social media activity. (*See, e.g.*, Exhibit G.) None of the social media postings discussed in these articles were provided by Mr. Stockton. And, as noted, further efforts to obtain documents from him directly would be futile in light of his verified response confirming, under penalty of perjury, that he has produced all documents in his possession, custody, or control. He chose to do this despite the existence of these materials and others he was confronted with at his deposition—none of which were included in his production.

Accordingly, we believe Meta has an obligation to comply with our subpoena as clarified by this letter. We would like to schedule a call with a Meta representative as soon as possible to meet and confer regarding the subpoena. Please be advised, however, that the discovery cutoff in this case is April 8, 2024. For this reason, if we are unable to resolve any disputes concerning this subpoena by Monday, April 1, at the latest, we will have no choice but to immediately prepare and file a motion to compel compliance with the subpoena. It is important, therefore, we receive a phone call from one of your representatives with authority to discuss the subpoena as soon as possible.

We look forward to hearing from you and sincerely hope we can resolve this without involving the Court.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Y. Almadani'.

Yasin M. Almadani, Esq.

A handwritten signature in blue ink, appearing to read 'Ahmed Ibrahim'.

Ahmed Ibrahim Esq.

Enclosures

Cc: *Gregory Fox, Esq. (via e-mail)*

EXHIBIT A

UNITED STATES DISTRICT COURT

for the

Northern District of California

Nakia V. Porter, et al.

Plaintiff

v.

County of Solano, et al.

Defendant

Civil Action No. 2:21-CV-01473-KJM-JDP

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Custodian of Records, Meta Platforms, Inc., Corporation Service Company Which Will Do Business in California
as CSC - Lawyers Incorporating Service, c/o Becky DeGeorge, Lai Saevang, or any other person authorized to
accept service of process on behalf of CSC
(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: All documents and electronically stored information described in Exhibit A. Plaintiffs request the materials be produced in electronic form to aibrahim@ailawfirm.com and be authenticated by the custodian of records of your organization, or alternatively, to the company listed below, by completing the declaration attached as Exhibit B.

Place: Array
926 Industrial Avenue
Palo Alto, CA 94303

Date and Time:
February 22, 2024, 10:00 a.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: February 12, 2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs Nakia V. Porter, L.P., A.P., O.P., and Joe Berry Powell, Jr. _____, who issues or requests this subpoena, are: Ahmed Ibrahim, Esq., Al Law, PLC, 4695 MacArthur Court, Suite 1100, Newport Beach, CA 92660, aibrahim@ailawfirm.com. 949-266-1240.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. **2:21-CV-01473-KJM-JDP****PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

**DOCUMENTS AND ELECTRONICALLY STORED INFORMATION TO BE
PRODUCED**

1. All photos, videos, posts, comments, articles, and other content posted on the Facebook account of username “live_free_edc” from January 1, 2008 to the present.
2. All information sufficient to specify the date on which the Facebook account of username “live_free_edc” went private.
3. All photos, videos, posts, comments, articles, and other content posted on the Instagram account of username “highbrassleather” from January 1, 2008 to the present.
4. All information sufficient to specify the date on which the Instagram account of username “highbrassleather” went private.

EXHIBIT B

CERTIFICATION OF AUTHENTICITY

Pursuant to Rules 803(6) and 901 of the Federal Rules of Evidence

The undersigned declarant hereby declares, certifies, verifies, or states under penalty of perjury under the laws of the United States of America the following:

1. The declarant is a records custodian or other qualified person who can provide a written declaration regarding the records of regularly conducted business activity which are the subject of this certification;
2. The records of regularly conducted business activity (hereinafter "records") which are the subject of this certification are numbered/Bates stamped;
3. The records are originals or duplicate copies of domestic (United States) business records, which are true and correct copies of the original records prepared and/or maintained by Meta Platforms, Inc., which own and operate Facebook and Instagram;
4. The records were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
5. The records were kept in the course of a regularly conducted business activity; and
6. The records were made as a regular practice in the course of regularly conducted business activity.

I hereby declare, certify, or state, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____ (date).

Signature of Declarant

Printed Name

Title

Address

Telephone No.

Yasin M. Almadani (Cal. Bar No. 242798)
ALMADANI LAW
4695 MacArthur Ct., Suite 1100
Newport Beach, CA 92660
Tel: (949) 877-7177
Fax: (949) 877-8757
YMA@LawAlm.com

Ahmed Ibrahim (Cal. Bar No. 238739)
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Tel: (949) 266-1240
Fax: (949) 266-1280
aibrahim@ailawfirm.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

NAKIA V. PORTER, an individual on her
own behalf and on behalf of her minor
children, L.P. and A.P.; JOE BERRY
POWELL, JR., an individual; and CLIFTON
POWELL, on behalf of his minor child, O.P.,

Plaintiffs,

v.

COUNTY OF SOLANO; SOLANO
COUNTY SHERIFF'S OFFICE; SHERIFF
THOMAS A. FERRARA, in his official
capacity as Sheriff of Solano County;
DEPUTY DALTON MCCAMPBELL, an
individual; DEPUTY LISA MCDOWELL, an
individual; SERGEANT ROY STOCKTON,
an individual; DEPUTY CONNOR
HAMILTON, an individual; DEPUTY CHRIS
CARTER, an individual; CITY OF DIXON;
DIXON POLICE DEPARTMENT; DIXON
POLICE CHIEF ROBERT THOMPSON, in
his official capacity as Dixon Chief of Police;
OFFICER GABRIEL HOLLINGHEAD, an
individual, OFFICER AARON WILLIAMS,
an individual, and DOES 1 to 10, inclusive,

Defendants.

Case No. 2:21-cv-01473-KJM-JDP

**PROOF OF SERVICE ON DEFENSE
COUNSEL OF SUBPOENA FOR RECORDS
TO META PLATFORMS, INC.**

Hon. Kimberly J. Mueller
Chief United States District Judge

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my address is 4695 MacArthur Court, Suite 1100, Newport Beach, CA 92660. On February 12, 2024, I served the foregoing documents described as **SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION RE: META PLATFORMS, INC.** on the following persons in the manner described below:

Danielle K. Lewis, Esq.
dlewis@hpylaw.com
 Miles F. Maurino, Esq.
mmaurino@hpylaw.com
 HAWKINS PARNELL & YOUNG
 33 New Montgomery, Suite 800
 San Francisco, CA 94105
 Telephone: (415) 766-3200
 Facsimile: (415) 766-3250

Attorneys for Defendants County of
 Solano, Sheriff Thomas A. Ferrara,
 Dalton McCampbell, Lisa McDowell,
 Roy Stockton, Connor Hamilton, and
 Chris Carter

☐ BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (Fed. R. Civ. P. 5(b)(2)(C); C.C.P. § 1013(a)).

☐ BY OVERNITE EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (Fed. R. Civ. P. 5(b)(2)(C); C.C.P. § 1013(c)(d)).

☐ BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees. (Fed. R. Civ. P. 5(b)(2)(A); C.C.P. § 1011(a)(b)).

☒ BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused such documents to be e-mailed from aibrahim@ailawfirm.com to the e-mail addresses listed on the service list above. I did not receive any electronic message or indication that the transmission was unsuccessful. (Fed R. Civ. P. 5(b)(2)(E); C.C.P. § 1010.6)

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on February 12, 2024



Ahmed Ibrahim

AO 88B (rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 2:21-CV-01473-KJM-JDP

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45)

This subpoena for *(name of individual and title, if any)* Meta Platforms, Inc.
was received by me on *(date)* 2/12/2024

☒ I served the subpoena by delivering a copy to the named person as follows: Nicole Stauss / Meta Platforms, Inc. on *(date)* 2/13/2024 ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ \$15.00

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 2/13/2024



Server's Signature

Michael Van Hooser, Array

Printed name and title

18013 Sky Park Circle, Suite C
Irvine, CA 92614

Server's address

Additional information regarding attempted service, etc.

EXHIBIT B

ALMADANI LAW
Yasin M. Almadani (SBN 242798)
4695 MacArthur Court, Suite 1100
Newport Beach, CA 92660
Ph: 949-877-7177
Fax: 949-877-8757
yma@lawalm.com

Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

NAKIA V. PORTER, an individual
on her own behalf and on behalf of
her minor children, L.P. and A.P;
JOE BERRY POWELL, JR., an
individual; and CLIFTON POWELL,
on behalf of his minor child, O.P.,

Plaintiffs,

v.

COUNTY OF SOLANO; SOLANO
COUNTY SHERIFF'S OFFICE;
SHERIFF THOMAS A. FERRARA,
in his official capacity as Sheriff of
Solano County; DEPUTY DALTON
MCCAMPBELL, an individual;
DEPUTY LISA MCDOWELL, an
individual; SERGEANT ROY
STOCKTON, an individual;
DEPUTY CONNOR HAMILTON,
an individual; DEPUTY CHRIS
CARTER, an individual; CITY OF
DIXON; DIXON POLICE
DEPARTMENT; DIXON POLICE
CHIEF ROBERT THOMPSON, in
his official capacity as Dixon Chief
of Police; OFFICER GABRIEL
HOLLINGSHEAD, an individual,
OFFICER AARON WILLIAMS, an
individual, and DOES 1 to 10,
inclusive,

Defendants.

Case No. 2:21-CV-01473-KJM-JDP

**SECOND AMENDED CIVIL
RIGHTS COMPLAINT FOR
DAMAGES AND INJUNCTIVE
RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiffs NAKIA V. PORTER, on behalf of herself and her two minor natural
2 daughters L.P. and A.P., JOE BERRY POWELL, JR. (Ms. Porter's father), on behalf of
3 himself, and CLIFTON POWELL (Ms. Porter's brother), on behalf of his minor natural
4 daughter O.P., (collectively, "Plaintiffs"), bring this action demanding a jury trial against
5 Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
6 SHERIFF THOMAS A. FERRARA, in his official capacity as Sheriff of Solano County,
7 Sheriff's DEPUTY DALTON MCCAMPBELL, an individual, Sheriff's DEPUTY LISA
8 MCDOWELL, an individual, Sheriff's SERGEANT ROY STOCKTON, an individual,
9 Sheriff's DEPUTY CONNOR HAMILTON, an individual, Sheriff's DEPUTY CHRIS
10 CARTER, an individual, the CITY OF DIXON, the DIXON POLICE DEPARTMENT,
11 DIXON POLICE CHIEF ROBERT THOMPSON, in his official capacity as the Dixon
12 Chief of Police, Dixon Police OFFICER GABRIEL HOLLINGSHEAD, an individual,
13 Dixon Police OFFICER AARON WILLIAMS, an individual, and DOES 1 to 10,
14 inclusive, (collectively, "Defendants") for violations of Plaintiffs' constitutional and civil
15 rights. Plaintiffs allege the following based upon personal knowledge and information
16 and belief:

17 **I. NATURE OF THE ACTION**

18 1. On August 6, 2020, Defendants Dalton McCampbell and Lisa McDowell,
19 who are Solano County Sheriff's deputies, without cause and in violation of clear
20 statutory and constitutional law, arrested and assaulted Ms. Nakia Porter, and then
21 brutally beat her unconscious in the presence of her father, Mr. Joe Berry Powell, Jr., and
22 three children—her two daughters, L.P (age 6 at the time) and A.P. (age 4 at the time),
23 and her niece, O.P. (age 3 at the time). After tossing Ms. Porter in the back of a Dixon
24 Police vehicle, unconscious, the same Defendants, along with the other Defendants,
25 proceeded to handcuff and falsely imprison Mr. Powell in the back of another law
26 enforcement vehicle. After unlawfully imprisoning Ms. Porter and Mr. Powell in law
27 enforcement vehicles, Defendants then approached Ms. Porter's car with the three small
28 children left alone inside—the Deputies had their guns drawn at the car frightening the

1 children even further—and started searching the car with no probable cause to do so. The
2 illegal seizure of Mr. Powell and the children and illegal search of the vehicle persisted
3 for approximately an hour. Ms. Porter and Mr. Powell were detained in separate Sheriff’s
4 vehicles equipped with cages while the children were detained in Ms. Porter’s vehicle,
5 scared in the dark without their caretakers as the Sheriff’s Deputies repeatedly shined
6 flashlights in their faces and illegally searched the vehicle, ultimately finding no evidence
7 of a crime whatsoever. Nevertheless, the Sheriff’s Office arrested Mr. Porter, booked her
8 into jail, and submitted falsified evidence to have her prosecuted. The District Attorney
9 declined to prosecute her.

10 2. The extreme violence Defendants inflicted upon Plaintiffs—three innocent
11 generations of African Americans—truly shocks the conscience. This lawsuit seeks to
12 vindicate Plaintiffs’ rights.

13 **II. JURISDICTION AND VENUE**

14 3. This Court has jurisdiction over the claims alleged in this Complaint under
15 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights), as well as Article III of the
16 U.S. Constitution. Supplemental jurisdiction over state law claims is proper under 28
17 U.S.C. § 1367 because all claims arise from a common nucleus of operative facts that are
18 so intertwined that they cannot be reasonably separated.

19 4. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants
20 reside in and can be found in this judicial district, and a substantial part of the events or
21 omissions giving rise to the claim occurred within the County of Solano, State of
22 California, within the Eastern District of California.

23 **III. PARTIES**

24 **A. Plaintiffs**

25 5. Plaintiff NAKIA V. PORTER (“Ms. Porter”) is a 33-year-old, Black woman
26 who resides in Sacramento County, California. Ms. Porter is a natural parent and legal
27 guardian of minors L.P. and A.P. who reside with her.

28 6. Ms. Porter is an accomplished software engineer at one of the leading

1 semiconductor companies in the world, a mother of three children under seven years old,
2 a dance instructor, and a motivational speaker. She holds bachelor's and master's degrees
3 in computer science from North Carolina A&T State University, a top-ten Historically
4 Black College & University where she graduated *summa cum laude*, was awarded the
5 Cyber Corps Scholarship for Service, and served as Co-President of the Association of
6 Computing Machinery. She was also a Step Team member of the National Society of
7 Black Engineers.

8 7. Ms. Porter graduated with a published thesis entitled, "Introduction of Cloud
9 Computing into the Computer Science Curriculum," which serves as curriculum material
10 at North Carolina A&T State University. She also served as a Cyber Analyst at Johns
11 Hopkins University's Applied Physics Laboratory ("JHUAPL"), one of the nation's
12 largest university-affiliated research centers. Ms. Porter contributed to the Laboratory's
13 work on cyber security, identity management security, and data privacy, and served as a
14 coordinator for JHUAPL's ATLAS Program, which provides opportunities to minority
15 students. In addition, Ms. Porter has interned for the U.S. Department of Energy and
16 Naval Sea Systems Command in Washington, D.C., the largest of the U.S. Navy's five-
17 system commands.

18 8. Beyond her accomplishments in computer science, Ms. Porter is an
19 accomplished athlete, musician, and community leader. She was a Mid-Eastern Atlantic
20 Conference Championship cheerleader and now teaches dance and gymnastics to young
21 children in Northern California. She also plays the cello, consistently volunteers her time
22 at community events, and is often asked to give motivational talks.

23 9. Ms. Porter is five (5) feet, two (2) inches tall, and weighs 125 pounds.

24 10. Plaintiff JOE BERRY POWELL, JR. ("Mr. Powell") is Ms. Porter's father.
25 He is a 61-year-old, Black man and resident of Orangevale, California. He is an
26 accomplished computer operations manager. Prior to retiring and starting his own
27 computer media company, Mr. Powell worked for almost 30 years in computer
28 operations, networking, and database management, including working for NAVAIR,

1 which is one of the Echelon II Navy systems commands providing support for aircraft
2 and airborne weapon systems for the U.S. Navy. Mr. Powell is the proud grandfather of
3 six children.

4 11. Plaintiff, L.P., is Ms. Porter's minor daughter who was six years old at the
5 time of the unlawful conduct alleged herein. L.P. resides with her mother and father in
6 Sacramento County. Ms. Porter, L.P.'s natural mother and legal general guardian, sues
7 on behalf of L.P., as well as on her own behalf, under Fed. R. Civ. P. 17(a) and (c).

8 12. Plaintiff, A.P., is Ms. Porter's minor daughter who was four years old at the
9 time of the unlawful conduct alleged herein. A.P. resides with her mother and father in
10 Sacramento County. Ms. Porter, A.P.'s natural mother and legal general guardian, sues
11 on behalf of L.P., as well as on her own behalf, under Fed. R. Civ. P. 17(a) and (c).

12 13. Plaintiff, O.P., is Ms. Porter's minor niece who was three years old at the
13 time of the unlawful conduct alleged herein. O.P. resides with her mother and father in
14 Sacramento County. O.P.'s natural father and legal guardian, Mr. Clifton Powell, brings
15 this suit on her behalf.

16 14. Plaintiffs L.P., A.P., and O.P. are collectively referred to herein as the
17 "Children." All Plaintiffs are collectively referred to herein as "Plaintiffs."

18 **B. Defendants**

19 15. Defendant COUNTY OF SOLANO (the "County" or "Solano County") is a
20 public entity and political subdivision duly organized and existing under the laws of the
21 State of California. The County has a clear and present duty to follow California and
22 United States law. *See, e.g.*, Cal. Const. Art. III § 3.5. Upon information and belief, the
23 County, through its Board of Supervisors, oversees the Solano County Sheriff's Office.
24 The County is sued on the basis of *respondeat superior* under California Government
25 Code Section 815.2 ("Cal. Gov. Code § 815.2").

26 16. Defendant SOLANO COUNTY SHERIFF'S OFFICE (the "SCSO" or
27 "Sheriff's Office") is a public entity and law enforcement agency operating in Solano
28 County, California. Solano County Sheriff THOMAS A. FERRARA is being sued in his

1 official capacity as Sheriff of Solano County. The SCSO and Sheriff Ferrara have a clear
2 and present duty to follow California and United States law. *See, e.g.*, California Const.
3 Art. III § 3.5. Defendants SCSO and Sheriff Ferrara are sued on the basis of *respondeat*
4 *superior* under Cal. Gov. Code § 815.2.

5 17. Defendant DALTON MCCAMPBELL (“McC Campbell”) is a male SCSO
6 deputy and employee of Solano County and/or the Sheriff’s Office sued in his individual
7 capacity. Deputy McC Campbell appears to be White. Deputy McC Campbell, along with the
8 other Defendants, unlawfully arrested, assaulted, detained, illegally searched, and
9 terrorized Ms. Porter, Mr. Powell, and the Children, and fabricated false charges against
10 Ms. Porter to have her prosecuted, all in violation of Plaintiffs’ constitutional rights and
11 other legal protections.

12 18. Defendant LISA MCDOWELL (“McDowell”) is a female SCSO deputy and
13 employee of Solano County and/or the Sheriff’s Office sued in her individual capacity.
14 Deputy McDowell appears to be White. Deputy McDowell, along with the other
15 Defendants, unlawfully arrested, assaulted, detained, illegally searched, and terrorized
16 Ms. Porter, Mr. Powell, and the Children, and fabricated false charges against Ms. Porter
17 to have her prosecuted, all in violation of Plaintiffs’ constitutional rights and other legal
18 protections.

19 19. Defendant ROY STOCKTON (“Sergeant Stockton”) is a male SCSO
20 sergeant and employee of Solano County and/or the Sheriff’s Office sued in his
21 individual capacity. Sergeant Stockton appears to be White and a member of or otherwise
22 affiliated with the extremist group The Three Percenters, whose members have espoused
23 antigovernment and racist rhetoric. Sergeant Stockton, acting on authority of the SCSO,
24 supervised Deputies McC Campbell and McDowell in connection with this case. Sergeant
25 Stockton oversaw the illegal seizure and search and prolonged detention of Plaintiffs and
26 their vehicle. He also knowingly approved Deputies McC Campbell and McDowell’s
27 falsified reports so that the reports could be submitted to the Solano County District
28 Attorney’s Office to have Ms. Porter prosecuted on false charges and cover up the

1 Defendant Deputies' unlawful acts.

2 20. Defendant CONNOR HAMILTON ("Hamilton"), an individual, is a male
3 SCSO deputy and employee of Solano County and/or the Sheriff's Office sued in his
4 individual capacity. Deputy Hamilton, along with the other Defendants, unlawfully
5 arrested, assaulted, detained, illegally searched, and terrorized Ms. Porter, Mr. Powell,
6 and the Children, all in violation of Plaintiffs' constitutional rights and other legal
7 protections.

8 21. Defendant CHRIS CARTER ("Carter") is a male SCSO deputy and
9 employee of the County and/or Sheriff's Office sued in his individual capacity. Deputy
10 Carter, along with the other Defendants, unlawfully arrested, assaulted, detained, illegally
11 searched, and terrorized Ms. Porter, Mr. Powell, and the Children, all in violation of
12 Plaintiffs' constitutional rights and other legal protections.

13 22. Defendant CITY OF DIXON (the "Dixon") is a public entity and political
14 subdivision duly organized and existing under the laws of the State of California. Dixon
15 has a clear and present duty to follow California and United States law. *See, e.g.*, Cal.
16 Const. Art. III § 3.5. Upon information and belief, Dixon oversees the Dixon Police
17 Department. Dixon is sued on the basis of *respondeat superior* under Cal. Gov. Code
18 § 815.2.

19 23. Defendant DIXON POLICE DEPARTMENT (the "Dixon PD") is a public
20 entity and law enforcement agency operating in Solano County, California. Dixon Police
21 Chief ROBERT THOMPSON is being sued in his official capacity as Dixon Chief of
22 Police. Defendants Dixon PD and Chief Thompson have a clear and present duty to
23 follow California and United States law. *See, e.g.*, California Const. Art. III § 3.5.
24 Defendants Dixon PD and Chief Thompson are sued on the basis of *respondeat superior*
25 under Cal. Gov. Code § 815.2.

26 24. Defendant GABRIEL HOLLINGSHEAD ("Hollingshead") is a male Dixon
27 Police officer and employee of the City of Dixon and/or the Dixon Police Department
28 sued in his individual capacity. Officer Hollingshead is White. Officer Hollingshead,

1 along with the other Defendants, unlawfully arrested, assaulted, detained, illegally
2 searched, and terrorized Ms. Porter, Mr. Powell, and the Children, all in violation of
3 Plaintiffs' constitutional rights and other legal protections.

4 25. Defendant AARON WILLIAMS ("Williams") is a male Dixon Police
5 officer deputy and employee of the City of Dixon and/or the Dixon Police Department
6 sued in his individual capacity. Officer Williams, along with the other Defendants,
7 unlawfully arrested, assaulted, detained, illegally searched, and terrorized Ms. Porter, Mr.
8 Powell, and the Children, all in violation of Plaintiffs' constitutional rights and other
9 legal protections.

10 **IV. FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

11 **A. Constitutional and State Law Violations by the Solano County Sheriff**

12 26. On August 6, 2020, at approximately 9:00 p.m., Ms. Porter and Mr. Powell
13 (her father) were driving from Oakland, California to their home in Sacramento County.
14 They had gone to Oakland to visit and console Ms. Porter's friend and fellow dance
15 instructor whose student had recently undergone a medical difficulty. Ms. Porter had
16 taken her daughters (A.P. and L.P.) (ages 4 and 6) and niece (O.P.) (age 3) along to visit
17 the Malanga Center in Oakland to learn about the history of African drums, dance, and
18 culture. On the drive back, the occupants in the vehicle were Ms. Porter, Mr. Powell, and
19 the three Children. Ms. Porter is the owner of the vehicle she was driving, which is a
20 Toyota Highlander that was at all relevant times duly registered with the California
21 Department of Motor Vehicles.

22 27. The distance between Oakland and Orangevale is approximately 106 miles
23 and the drive takes approximately two hours.

24 28. Ms. Porter had been driving for approximately an hour at night when she
25 decided to let Mr. Powell drive the rest of the way home in order to avoid driver fatigue
26 for her family's and the public's safety. At approximately 9:13 p.m., Ms. Porter took the
27 Midway Road exit off the 80 freeway in Solano County and turned into Chevron Way in
28 Dixon—a dark, small, unpopulated, dead-end road with no traffic. She stopped her

1 vehicle at a location where it was safe to switch drivers. With no traffic on the street, Ms.
2 Porter—a small woman, 5 feet 2 inches tall, weighing 125 pounds—exited her vehicle
3 and proceeded to walk around to the back of the vehicle to the passenger’s side, where
4 Mr. Powell had also opened his door and started to exit the vehicle to switch seats. The
5 three Children remained in the backseat of the car.

6 29. The area was dark and neither Ms. Porter nor Mr. Powell realized that there
7 were Sheriff’s patrol cars on Chevron Way when they parked the car to switch seats. The
8 patrol car’s lights had come on after Ms. Porter had already stopped her vehicle and put
9 the car in park, and she and her father were in the process of exiting their vehicle to
10 switch drivers. In other words, the Defendant Deputies did not initiate any traffic stop.
11 Rather, they simply approached Plaintiffs while Plaintiffs were parked and had begun to
12 switch seats. Ms. Porter was walking towards the rear of her vehicle when she first
13 noticed a Sheriff’s patrol car with its lights on. As Ms. Porter reached the back of her
14 vehicle to go around to the passenger’s side to switch seats, she noticed a female deputy
15 (Deputy McDowell) saying something to her.

16 30. To her knowledge, Ms. Porter had not violated any traffic laws and thereby
17 could not fathom that the deputy intended to stop her for any reason. She also could not
18 believe that the deputy would object to her switching seats with her father, which is
19 advisable from a safety standpoint to avoid driver fatigue. It was unclear to Ms. Porter
20 why the deputy was there. As such, Ms. Porter innocently greeted the deputy, saying,
21 “Hi.” Deputy McDowell asked Ms. Porter to “get back in the car.” Ms. Porter explained
22 very calmly and respectfully that she was indeed walking to get back in the car switching
23 seats with her father. Deputy McDowell acknowledged this and responded, “Okay. But
24 get back in the car,” in a way that indicated to Ms. Porter that she should continue to
25 switch seats and go inside the car. Ms. Porter waved her hand to acknowledge the
26 deputy’s request and complied by continuing to walk to the passenger’s side to switch
27 seats. Ms. Porter’s father also calmly came out of the vehicle to make the switch.

28 31. However, at this point, a male deputy (Deputy McCampbell) appeared and

1 pointed his gun at Ms. Porter and her car, saying, “Get back in the car now. This is a
2 traffic stop. Get back in the car.” Ms. Porter, extremely confused because she had not
3 been stopped for a traffic violation, responded, “Huh?” Ms. Porter then calmly explained
4 to Deputy McCampbell, as she had done so to Deputy McDowell, that she was switching
5 seats with her father and that there were children in the car. Continuing to be confused by
6 the deputies’ commands, Ms. Porter explicitly asked if the deputies wanted her to go
7 back to the driver’s seat. Deputy McCampbell responded, “Yes, get back in the car.” Ms.
8 Porter then immediately began to walk back to the driver’s side, and Mr. Powell proceed
9 to get back inside the passenger’s seat, in full compliance with the deputies’ commands.

10 32. Throughout the encounter with the deputies, Ms. Porter, a woman of very
11 small stature, was clearly visible to the deputies. Neither she nor Mr. Powell made any
12 threatening movements at all, and they were clearly not armed or attempting to flee. Ms.
13 Porter had politely explained that they were switching seats and that there were children
14 in the car and had received permission from Deputy McDowell to do so. Ms. Porter and
15 Mr. Powell fully complied with the deputies’ commands to get back in the car even
16 though they had not violated any traffic laws to their knowledge.

17 33. There was absolutely no cause for Defendants McCampbell and McDowell
18 to put their hands on, arrest, or handcuff Ms. Porter or take her into custody. In fact, the
19 Constitution and California Penal Code Section 853.5(a) explicitly prohibited them from
20 any of this. Nevertheless, as Ms. Porter was walking back to the driver’s seat, Deputy
21 McCampbell (the male deputy) unexpectedly yelled, “You know what, detain her!” This
22 was approximately 20 seconds after the initial encounter between Ms. Porter and Deputy
23 McDowell during which Mr. Porter had been given the impression that she could switch
24 seats. As Mr. Powell closed his car door to comply with the command, he explained once
25 again that they were simply switching drivers. The deputies did not care and Deputy
26 McDowell arm-locked Ms. Porter and began to handcuff her to take her into custody
27 without having probable cause to do so in violation of statutory and constitutional law.

28 34. Ms. Porter did not understand what was happening and feared for her life

1 and the lives of her father and children. She had been complying with the deputies’
2 orders and had not provoked them in any way. Ms. Porter attempted to ask what was
3 happening, as anyone in her situation would; she did not make any threatening
4 movements against the deputies or attempt to flee. Instead, she pleaded for her rights to
5 be read and respected. Despite this, in a show of unjustified, brute force and power,
6 Defendant McCampbell joined Defendant McDowell, and the two deputies forcibly
7 pinned Ms. Porter up against her car in front of her father and small children and
8 handcuffed her, terrorizing an entire family—three African American generations all at
9 once.

10 35. As the deputies engaged in this excessive force and unjustifiably assaulted
11 and arrested Ms. Porter, body camera footage shows that Ms. Porter had relented to being
12 handcuffed against her car window with the Children watching in horror, and was only
13 pleading for her rights at this point. The confusion, panic, and fear in her voice and face
14 are clear and palpable in the video. At this time, Deputies McDowell and McCampbell
15 could see that there were little children in the car watching. The deputies did not care.

16 36. The pretextual reason they gave for taking Ms. Porter into custody was that
17 they had possibly noticed a mismatched license plate. But they had no indication of any
18 crime. Indeed, a mistake or error in the display of license plates is a nonmoving,
19 noncriminal *infraction* under California Vehicle Code Section 5200 *et seq.* for which “a
20 peace officer shall *only* require the arrestee to present his or her driver’s license or other
21 satisfactory evidence of his or her identity for examination and to sign a written promise
22 to appear contained in a notice to appear[.]” Cal. Penal Code § 853.5(a) (emphasis
23 added). “*Only if* the arrestee refuses to sign a written promise, has no satisfactory
24 identification, or refuses to provide a thumbprint or fingerprint may the arrestee be taken
25 into custody.” *Id.* (emphasis added). As such, even if the Defendant Deputies’ pretextual
26 reason for the arrest was to be believed, clearly established statutory law protected Ms.
27 Porter’s rights, explicitly prohibiting the deputies from putting their hands on her and
28 taking her into custody.

1 37. At that point during the encounter, the Defendant Deputies had already used
2 unreasonable, excessive force and unlawfully taken Ms. Porter into custody without
3 probable cause and in violation of constitutional and statutory law. In other words, if they
4 had left her standing there handcuffed, this would have been a constitutional and
5 statutory violation in and of itself, but they decided to violate the law even further. The
6 deputies dragged Ms. Porter away from her vehicle and outside the view of the Sheriff's
7 patrol car dashboard camera, each large officer grabbing one of her arms as Ms. Porter
8 fearfully pleaded for an explanation, fearing for her life in the wake of the George Floyd
9 homicide. Her father and children helplessly watched in horror.

10 38. Outside the view of the dashboard camera, Deputies McCampbell and
11 McDowell—both of whom are much larger than Ms. Porter—brutally beat the mild-
12 mannered, 125-pound, female software engineer and dance teacher to the ground. They
13 repeatedly punched, kicked, kneed, and struck her in the back of the neck, head, face, and
14 stomach, as she struggled and prayed for her life in desperation, pleading, “God, bless
15 me! Bless me, God!”

16 39. During the beating, Defendant McCampbell (the male deputy) forced Ms.
17 Porter prone onto her stomach and mounted her while Defendant McDowell, who is a
18 large female deputy, grabbed this African American woman by her long, beautiful braids
19 and shoved her face into the concrete, controlling her by the very braids that Ms. Porter
20 had pridefully grown and groomed over the course of a decade. Ms. Porter gasped for air
21 as her life flashed before her eyes; she thought she was going to die on this abandoned
22 side road wondering what would become of her father, daughters, and niece. She
23 struggled for her life as Deputy McCampbell sat on her with all his weight, screaming,
24 “You’re going to get tased!”

25 40. Ms. Porter quickly lost consciousness from the severe beating and the
26 weight of the large male deputy. Body-camera footage shows McCampbell’s brooding
27 shadow mounted on top of Ms. Porter’s tiny frame for approximately one minute even
28 after she had lost consciousness; he appeared to be sitting on her, catching his breath

1 from the beating he had just delivered. (Later, he would brag to the paramedics, “I had
2 full mount on her.”)

3 41. Deputy McCampbell then dragged Ms. Porter to Deputy McDowell’s
4 Sheriff’s vehicle and tossed her inside while she was still unconscious. She was
5 unconscious for over five minutes before waking up inside the Sheriff’s vehicle. Upon
6 information and belief, loss of consciousness for five minutes or longer from head trauma
7 is considered to be an indication of a Grade III concussion, which is the most severe on a
8 scale of I to III. *See, e.g.*, <https://mayfieldclinic.com/pe-concussion.htm>. Such a
9 concussion should be reported, examined, and treated by a medical professional to avoid
10 risks of long-term, adverse consequences. *Id.* Nevertheless, when describing the beating
11 to the paramedics for treatment later that night, Deputies McDowell and McCampbell
12 grossly lied about how long Ms. Porter had remained unconscious—McDowell claiming
13 “five seconds” and McCampbell claiming “no more than 20 seconds”—further placing
14 Ms. Porter’s life and limb in danger to conceal the seriousness of their own unlawful
15 actions.

16 42. After assaulting Ms. Porter and locking her up unconscious in the Sheriff’s
17 vehicle, the Defendant Deputies proceeded to remove Mr. Powell from his vehicle, where
18 the deputies had detained him to helplessly witness the brutal beating of his daughter
19 while trying to calm his young granddaughters, fearing for all their lives. The deputies
20 had no cause to take Mr. Powell into custody. He had committed no crime and had been
21 fully compliant with the deputies’ unreasonable orders in the face of an immensely
22 horrific and trying situation. The Children had also been unlawfully seized and detained
23 this entire time witnessing the horror. They would be left alone without any caretaker if
24 Mr. Powell were also removed and detained.

25 43. Nevertheless, the Defendant Deputies callously ordered Mr. Powell out of
26 the car and terrorized and humiliated him by making him walk backwards over 30 feet at
27 gunpoint with his hands on the back of his head. Deputy McDowell had her gun pointed
28 at Mr. Powell and the car where the Children were now sitting all alone. Officer

1 Hollingshead had his shotgun out and oriented in the same direction in a show of
2 excessive force.

3 44. Deputy McCampbell handcuffed Mr. Powell and placed him in Officer
4 Williams' Police vehicle after confirming with Officer Williams that the vehicle
5 contained "a cage." Mr. Powell is 61 years old, decades older than Deputy McCampbell.
6 Nevertheless, throughout the encounter, Deputy McCampbell demeaned and disrespected
7 Mr. Powell (who is an elder) by calling him "young man," which to Mr. Powell sounded
8 like the racial slur "boy" historically used to demean Black men.

9 45. Yet even after all this, Mr. Powell continued to explain in a remarkably calm
10 and polite manner that he and his daughter were just switching seats so that he could
11 drive the rest of the way home. His three granddaughters (ages 3, 4, and 6) were left
12 alone in the car in the dark, scared without their caretakers and having witnessed their
13 mother/aunt being arrested and beaten, and their grandfather also being taken from them.

14 46. The Deputies and Officers confirmed with Mr. Powell that there were only
15 *three little girls* left in the car, but in a show of continued excessive force, Deputies
16 McCampbell and McDowell and Officers Hollingshead and Williams swarmed Ms.
17 Porter's vehicle at gun point further terrorizing the children. As they approached, Deputy
18 McDowell was pointing her pistol at the Children in the vehicle (at Deputy
19 McCampbell's direction) while Officer Hollingshead was donning his shotgun.

20 47. To make matters worse, for the hour that the little girls were detained and
21 alone, Defendants, including Deputies McCampbell, McDowell, Hamilton, and Carter,
22 and Officers Hollingshead and Williams, under the supervision of Sergeant Stockton,
23 were repeatedly shining police flashlights in the Children's faces and continuously
24 illegally searching the car without probable cause, desperately looking for any pretext to
25 justify their illegal conduct. Of course, they found no evidence of a crime. Because there
26 was no crime.

27 48. After Ms. Porter regained consciousness, Deputy McCampbell proceeded to
28 question her and rummage through her purse (illegally searching it) all while she was

1 handcuffed in the Sheriff's vehicle. Ms. Porter was in shock and in tears. She could not
2 and did not resist the unlawful conduct of the deputy, but rather politely provided her
3 name and identification, which she was willing and trying to do all along. Deputy
4 McCampbell called in the identification to the dispatch who immediately confirmed that
5 Ms. Porter was in fact the owner of the vehicle and it was properly registered as reflected
6 on the rear license plate. The time it took for Deputy McCampbell to obtain Ms. Porter's
7 identification and confirm that it was her vehicle was under two minutes. Neither Deputy
8 McCampbell nor Deputy McDowell asked about the mismatched license plate, and they
9 did not issue Ms. Porter any infraction citation or fix-it ticket.

10 49. The confusion with the license plate was that Ms. Porter had moved from
11 Maryland to California and had forgotten to remove the Maryland front license plate. The
12 Defendant Deputies simply needed to follow California law (California Penal Code
13 § 853.5(a)) and allow Ms. Porter to provide her identification and an explanation, which
14 she was more than willing to and trying to do. Instead, they chose to arrest, detain, and
15 beat her without cause and inflicted immense injury to the entire family.

16 50. After the assault, when other deputies and officers arrived at the scene,
17 Deputies McDowell and McCampbell made false statements and fabricated evidence in
18 collusion with one another to justify their unlawful attack, and to arrest and jail Ms.
19 Porter and submit false evidence against her to the District Attorney for charges to be
20 filed. Specifically, Deputies McCampbell and McDowell made the following false
21 statements: (i) that Ms. Porter "did this to herself" (untrue); (ii) that the deputies initiated
22 a traffic stop (untrue); (iii) that Ms. Porter was non-compliant and refused to get back in
23 the car (untrue); (iv) that the Defendant Deputies put their hands on Ms. Porter because
24 she tried to flee and attacked Deputy McDowell first (untrue); and (v) that Ms. Porter
25 punched Deputy McCampbell in the face (untrue). All of these statements are provably
26 false by video and audio evidence recorded by the Sheriff's deputies' body and
27 dashboard cameras.

28 51. When the paramedics arrived at the scene, Ms. Porter requested that they

1 transport her to the hospital. Deputies McCampbell and McDowell denied the request,
2 continuing to lie to the paramedics by minimizing the injuries they had inflicted on Ms.
3 Porter. Deputy McCampbell said that Ms. Porter had been unconscious for a total of “no
4 more than twenty (20) seconds.” Deputy McDowell minimized the assault even more
5 egregiously, saying that Ms. Porter had been unconscious for “five (5) seconds.” Both of
6 these descriptions are provably false as Ms. Porter was unconscious for over five (5)
7 minutes, and the deputies knew they were lying. In fact, Deputy McCampbell had
8 dragged Ms. Porter to the Sheriff’s vehicle and tossed her inside while she was
9 unconscious (as recorded on video and audio), but he lied that she was able to move her
10 legs and walk to the car so that he could minimize her injuries. As a result of the
11 Defendant Deputies’ deliberate lies to avoid accountability, Ms. Porter’s head injuries
12 were never properly examined.

13 52. Instead of allowing the paramedics to take Ms. Porter to the hospital, as Ms.
14 Porter had specifically requested, Deputy McDowell transported Ms. Porter in a Sheriff’s
15 vehicle to a hospital of their choice. Deputy McDowell made it clear that she was taking
16 Ms. Porter to the hospital only to be “medically cleared” en route to jail, continuing to
17 minimize the attack and injuries.

18 53. Ms. Porter was checked into the emergency room of the North Bay Medical
19 Center. She felt scared and intimidated in the hospital to fully share what had happened
20 to her, since Deputy McDowell had participated in the beating and lied about it, and still
21 had control over her. Ms. Porter had no privacy as Sheriff’s deputies made sure that they
22 were present during the medical examination.

23 54. In addition to lying about how long Ms. Porter was unconscious, Sheriff’s
24 deputies continued to lie to hospital staff about the incident, mocking Ms. Porter and
25 making her appear like the assailant and criminal. Ms. Porter recalls that she was not
26 properly examined at the hospital, and it appeared that the hospital staff were there
27 simply to “clear” her to be taken to jail, not to legitimately examine her. Despite the
28 severe beating Ms. Porter had suffered and the likelihood that she had a Grade III

1 concussion, her head was not properly examined for a concussion. There was no MRI
2 done that would normally have been performed in such a situation so that she could
3 receive the proper treatment to avoid long-term, adverse consequences.

4 55. Ms. Porter was thus swiftly moved through the hospital and transported by
5 the Sheriff's deputies to the Solano County jail. They continued to treat her like a
6 criminal based on Deputies McCampbell and McDowell's false and fabricated
7 statements.

8 56. The SCSO booked Ms. Porter on charges of obstruction and resisting
9 executive officers and set bail for \$25,000. The SCSO had no probable cause to hold Ms.
10 Porter and yet they continued to violate her civil rights on the basis of lies. She was used
11 as an example for new Sheriff's trainees on how to book and jail an arrestee. They seized
12 Ms. Porter's purse containing her identification and cash. Using threats, Sheriff's
13 deputies forced Ms. Porter to divulge her social security number, provide a DNA swab,
14 and took her fingerprints. They were not entitled to any of this information because there
15 was no justification for her arrest in the first place.

16 57. Sheriff's deputies kept Ms. Porter imprisoned in a jail cell overnight on
17 fabricated charges until Ms. Porter's husband, who was out of town, posted a \$25,000
18 bond, which cost the couple \$2,500 just to post. At the time of release, Ms. Porter was
19 not allowed to make a phone call to have someone pick her up. Moreover, the SCSO
20 released her without giving her the cash they had seized from her, which left her isolated
21 without a ride or cash to make a phone call using a pay phone. Ms. Porter's mobile phone
22 had been left in her own vehicle when Deputies McCampbell and McDowell
23 unexpectedly took her into custody. Ms. Porter thus found herself lost in a strange area
24 without a phone or any cash. Fortunately, she was able to find a Starbucks and briefly
25 borrow a mobile phone from a stranger to call her family for help. Strangers living
26 outside the Starbucks showed Ms. Porter more humanity than the Solano Sheriff's
27 deputies and Dixon Police officers did. One man (without a home) bought her a drink
28 from Starbucks and another woman (also without a home) shared some bread with her.

1 Ms. Porter conversed with these people until her family arrived to pick her up.

2 58. Regarding the cash that the SCSO seized from Ms. Porter, the SCSO placed
3 it in a strange account that required Ms. Porter and her husband to go through a
4 convoluted process to retrieve their money. They were charged significant fees.

5 59. Based on Deputy McCampbell and McDowell's false statements, the SCSO
6 recommended to the Solano County District Attorney's Office that Ms. Porter be
7 criminally prosecuted for preventing an executive officer from performing a duty by
8 means of threat or violence in violation of California Penal Code Section 69. Ms. Porter
9 was restricted from traveling and was required to check in with the bail bond company on
10 a weekly basis, which was very stressful and humiliating for a professional in her
11 position who had done nothing wrong and had *her* rights violated.

12 60. On September 28, 2020, the District Attorney's Office declined prosecution,
13 filing a Notice of Intent Not to Prosecute. Ms. Porter showed up to the courthouse in
14 early October, on the date she was required to appear, and received this Notice at the
15 courthouse.

16 61. Sheriff's deputies also detained Mr. Powell and restricted his freedom for
17 approximately an hour, a significant portion of which he was detained in the rear of a
18 Sheriff's vehicle with a cage in handcuffs, all of which was unjustified and unreasonable,
19 as neither Ms. Porter nor Mr. Powell had done anything wrong.

20 62. Eventually, on the same night that he was detained, Mr. Powell was released
21 and allowed to drive back home in Ms. Porter's vehicle with the Children. Both Mr.
22 Powell and the Children had been seized, detained, and terrorized for approximately an
23 hour in violation of their constitutional rights.

24 **B. Plaintiffs' Injuries**

25 63. As a result of the assault and excessive force and unlawful search and
26 seizure and prolonged detention by Defendants, Plaintiffs suffered physical and
27 psychological trauma—trauma that would scar anyone for life—and they are still dealing
28 with the effects of this trauma.

1 64. Ms. Porter suffered physical injuries to the head, face, neck, and body—all
2 where officers had admittedly punched and kicked her. Her bruising showed that she was
3 visibly struck in the neck and head areas near the spine that could have paralyzed or
4 killed her. She had signs of a severe Grade III concussion. She was unconscious for more
5 than five minutes and experienced long-term headaches, trouble sleeping, confusion,
6 mood swings, irritability, feelings of sadness, feelings of nervousness and anxiety,
7 sensitivity to light and noise, and dizziness.

8 65. Ms. Porter was bruised all over her body and experienced pain in her neck,
9 face, head, wrists, shoulders, and stomach from the arm lock, handcuffs, punches, knees,
10 kicks, and strikes. The acute pain was extreme and persisted for approximately four
11 weeks. Mr. Powell also experienced pain and bruising from the handcuffs that persisted
12 for weeks.

13 66. In addition, the Sheriff's deputies violently pulled out Ms. Porter's braids
14 from her head, which was extremely painful. Over the course of the days that followed
15 the beating, Ms. Porter found her braids falling out because they had been pulled so hard
16 and weakened in multiple places. She eventually had to cut off the hair that she had
17 grown for a decade, because the pain of the hair being ripped out was too much for her to
18 take. It reminded her too much of the assault she had endured.

19 67. The psychological trauma has been severe and long-lasting. Both Ms. Porter
20 and Mr. Powell constantly relive the horror on a daily basis, experiencing fear, insecurity,
21 mistrust, anxiety, and difficulty relaxing. They have nightmares.

22 68. Moreover, as a result of the experience, Ms. Porter has not been able to
23 connect with her children, husband, family, and friends as she did in the past. She has
24 experienced feelings of shame and isolation, as well as frequent feelings of sadness and
25 mistrust that she did not have before the incident. She even feels panic and anxiety upon
26 physical touch. She finds it difficult to receive healing and engage in self-care as she did
27 prior to the incident. She finds that she has a diminished feeling of self-love and struggles
28 to continue living with the sense of dignity she felt before she was brutally attacked. She

1 describes it like living in a box.

2 69. Mr. Powell also feels constant guilt and powerlessness for not being able to
3 protect his daughter and family. As a father, he was made to watch his daughter be
4 handcuffed and beaten by law enforcement without any provocation. Like any father, he
5 wanted to stop the deputies, but he could not because they had badges and guns, and they
6 had ordered him to stay inside the car. He firmly believes that if had he gotten out of the
7 car, the deputies would have shot them both, which happens to people of color—people
8 like Mr. Powell and his family—far too often. Mr. Powell knows logically that it is not
9 his fault, that there is nothing he could have done differently, yet he still feels a sense of
10 shame and loss of dignity that he constantly grapples with.

11 70. The young children in the car have also been psychologically scarred, which
12 places additional stress and burden on Ms. Porter, Mr. Powell, and their family, who
13 must now worry about having to help their children deal with and process the trauma. For
14 example, the children are now afraid to travel, which is a basic activity that children
15 should be able to freely enjoy with their parents. It is well known in the psychology field
16 that for children who are at the formative age range of three to six (as Ms. Porter's
17 daughters and niece were), the psychological trauma of watching their mother, aunt, or
18 other caretaker be taken from them or physically assaulted leaves deep feelings of
19 insecurity—it is developmentally scarring and is clinically considered child abuse.

20 71. Plaintiffs reside in Sacramento County and still travel periodically to the
21 Oakland area. Each trip causes fear and anxiety as a result of what they experienced at
22 the hands of the Solano County Sheriff's deputies and Dixon Police officers. Plaintiffs
23 understandably fear that they may fall victim to excessive force and constitutional
24 violations again driving through Solano County. The Children display separation anxiety
25 from their parents in a manner that they did not before the assault.

26 **C. Pattern and Practice of Racial Profiling and Excessive Force**

27 72. Upon information and belief, the use of racial profiling and excessive force
28 has become a pattern and practice among Sheriff's deputies in Solano County. In fact,

1 excessive force practices in Solano County are so numerous and rampant that it led to the
2 creation of the Solano County Major Crimes Task Force by the District Attorney in
3 November 2020. The Task Force is responsible for conducting independent
4 investigations into the use of deadly force by law enforcement officers in the County.
5 However, the Task Force has not done an adequate job, and deputies and officers
6 continue to engage in excessive force, which, upon information and belief, the County of
7 Solano and the Solano County Sheriff's Office, as well as the City of Dixon and Dixon
8 Police Department, condone and overlook, permitting it to continue.

9 73. Upon information and belief, Defendants' gross assault and terror inflicted
10 upon Plaintiffs' family is consistent with the excessive force pattern and practice that
11 exist within Solano County and the City of Dixon. Indeed, even though these deputies'
12 lies were caught on tape, Solano County (and the Sheriff's Office) and the City of Dixon
13 (and the Police Department) have done nothing to address the constitutional violations or
14 hold the deputies and officers accountable for their illegal actions, cover-up, and
15 fabrication of charges. These actions, in combination with the frequency of excessive
16 force incidents in Solano County, show that the Solano County (and the Sheriff's Office)
17 and the City of Dixon (and the Police Department) have a policy of covering up and
18 condoning excessive force and racial profiling rather than investigating and eradicating
19 it.

20 74. Upon information and belief, Defendant Sergeant Roy Stockton is a member
21 of or otherwise affiliated with the extremist group "The Three Percenters" (*see*
22 discussion below), and he oversaw the constitutional violations and knowingly approved
23 Deputies McCampbell and McDowell's crime reports containing the false statements and
24 fabrication of evidence, which were then submitted to the District Attorney's Office to
25 have Ms. Porter prosecuted on false charges.

26 75. Upon information and belief, deputies at the SCSO, including Sergeant Roy
27 Stockton, belong to, are affiliated with, and/or support the extremist group known as The
28 Three Percenters. *See* Scott Morris, *Solano deputies, Vacaville councilmember promote*

1 *anti-government militia*, OPEN VALLEJO, February 4, 2021. Upon information and belief,
2 members and affiliates of The Three Percenters show a consistent penchant for extreme
3 force and violence and racist ideologies. *See infra*.

4 76. Upon information and belief, the SCSO and County refuse to appropriately
5 and transparently investigate their deputies' membership and affiliation with this
6 extremist group, instead covering up, condoning, and permitting deputies to engage in
7 unlawful enforcement tactics based on extremist and racist ideologies within their ranks.
8 *See Kim Fu, Solano sheriff's staff accused of supporting anti-government militia group*,
9 THE MERCURY NEWS, February 11, 2021; Scott Morris, *FBI rebuffs sheriff's claim it*
10 *cleared deputies of extremist ties*, OPEN VALLEJO, April 26, 2021; *Solano County Sheriff*
11 *Slammed Over Response to Claim Some Deputies Belong to Extremist Groups*, CBS,
12 April 16, 2021; John Glidden, *Community Group Slams Sheriff for Lack of*
13 *Transparency*, SFGATE, April 15, 2021; Scott Morris, *Amid calls for investigation,*
14 *sheriff stands by deputies who displayed militia support*, OPEN VALLEJO, March 9, 2021;
15 Scott Morris, *Solano deputies, Vacaville councilmember promote anti-government*
16 *militia*, OPEN VALLEJO, February 4, 2021.

17 77. Upon information and belief, the Three Percenters is a far-right, pro-gun
18 militia group opposed to the U.S. government. It was founded in 2008 as a reaction to the
19 election of President Barak Obama. *See Jury convicted man in Oklahoma City federal*
20 *bomb plot trial*, ASSOCIATED PRESS, February 25, 2019. Upon information and belief, in
21 response to Black Lives Matter protests following the 2014 shooting of Michael Brown
22 in Ferguson, Missouri, the Three Percenters' Facebook page featured numerous racist
23 comments made by its supporters. *See Mockaitis, Thomas R., Violent Extremists:*
24 *Understanding the Domestic and International Terrorist Threat*, Santa Barbara,
25 California: PRAEGER, pp. 80–81, ISBN 978-1-4408-5949-6 (2019).

26 78. Upon information and belief, many members of the Three Percenters group
27 are former and current members of the military, police, and other law-enforcement
28 agencies, as well as other anti-government groups such as the Oath Keepers. *See Spencer*

1 *Sunshine, Profile on the Right: Three Percenters*, POLITICAL RESEARCH ASSOCIATE,
2 January 5, 2016; Avlon, John, *Anti-government hate militias on the rise*, CNN, March 31,
3 2010.

4 79. Upon information and belief, the group's members have a record of
5 involvement in criminal activity and have been associated with acts of violence as well as
6 violent threats. *See* Spencer Sunshine, *Profile on the Right: Three Percenters*, POLITICAL
7 RESEARCH ASSOCIATES, January 5, 2016.

8 80. Upon information and belief, supporters of The Three Percenters, among
9 others, were reportedly present and wore emblematic gear or symbols during the riots
10 and storming of the U.S. Capitol on January 6, 2021. *See* Thomas Pallini, *Photos show*
11 *the aftermath of an unprecedented and destructive siege on the US Capitol that left 4*
12 *rioters dead*, BUSINESS INSIDER, January 7, 2021; *Trump supporters storm Capitol; DC*
13 *National Guard activated; woman fatally shot*, THE WASHINGTON POST, January 7, 2021.
14 After breaching or being let through multiple police perimeters, these groups occupied,
15 vandalized, and ransacked parts of the building for several hours. *Id.* At least one man
16 tied to the Three Percenter movement was arrested and charged with involvement in the
17 attack; the man was also reportedly tied to two other extremist groups, the Oath Keepers
18 and the Proud Boys, who are known for their racist ideologies and rhetoric. *See* Devlin
19 Barrett & Spencer S. Hsu, *FBI probes possible connections between extremist groups at*
20 *heart of Capitol violence*, WASHINGTON POST, January 17, 2021; Jaclyn Peiser, *Texas*
21 *man at Capitol riot allegedly threatened to kill his kids if they turned him in: 'Traitors*
22 *get shot'*, WASHINGTON POST, January 19, 2021.

23 81. Upon information and belief, the Three Percenter group also operates in
24 Canada, and one Canadian expert, Maxime Fiset, a former neo-Nazi who works with the
25 Centre for the Prevention of Radicalization Leading to Violence, created in 2015 by the
26 City of Montréal with the support of the Quebec Government, considers the Three
27 Percenters group the "most dangerous extremist group" in Canada. *See* Hutter, Christy,
28 *Three Percenters are Canada's 'most dangerous' extremist group, say some experts*,

1 CBC, May 10, 2018. Upon information and belief, in June 2021, six men associated with
2 the Three Percenters group were indicted for conspiracy in Canada, and Canada declared
3 the group a terrorist entity. *Canada puts U.S. Three Percenters militia on terror list, cites*
4 *risk of violent extremism*, REUTERS, June 25, 2021.

5 82. California Government Code Section 25307.7 authorizes Solano County to
6 establish an oversight board to oversee the Sheriff's Office, but the County has actively
7 resisted establishing such a board. In fact, the County has gone out of its way to strike
8 down any measure that would establish the board—a board that would actively and
9 independently investigate the pattern and practice of excessive force and racial
10 discrimination that is currently being condoned and permitted by the Solano County
11 Sheriff's Office and Dixon Police Department.

12 **D. Concealment and Spoliation of Evidence**

13 83. After the Defendant Deputies had assaulted and imprisoned Ms. Porter,
14 numerous other law enforcement officers (from the Solano County Sheriff's Office and
15 the Dixon Police Department) arrived at the scene, including the Defendant Deputies'
16 supervisor, Sergeant Roy Stockton.

17 84. As Defendant Stockton was walking over to the scene of Defendants' crime,
18 a firefighter could be heard on Stockton's body camera saying, "Going to look out for
19 one of your boys . . . he messed up;" to which Stockton responded, "Yeah. Thanks."

20 85. After that, Defendant Sergeant Stockton approached Deputies McCampbell,
21 McDowell, Hamilton, and Carter. As Defendant Stockton began speaking to Deputy
22 McDowell, she signaled to him and said that they should turn off their body cameras,
23 quite obviously to avoid being recorded. Stockton agreed and they both quickly turned
24 off their body cameras before discussing what had occurred. McDowell can actually be
25 seen turning off her body camera. Nevertheless, the Sheriff's Office and County have
26 refused to turn over McDowell's body camera footage during the assault despite the fact
27 that Plaintiff has made numerous requests for preservation as well as production under
28 Gov. Code Section 6250 *et seq.* dating back to January 12, 2021. The Sheriff's Office

1 and County claim that the footage does not exist, but video evidence shows this to be
2 untrue.

3 86. Similarly, the Sheriff's Office and County have also not produced footage of
4 Deputy McCampbell's dash camera even though, on information and belief, Sheriff's
5 vehicles' dash cameras are programmed to record constantly, and the footage should
6 exist.

7 87. Plaintiffs believe that by concealing these videos Defendants are engaged in
8 spoliation activity to conceal or destroy evidence that would further demonstrate their
9 assault and falsification of evidence against Ms. Porter.

10 88. Defendants have been and continue to be on notice that they are under an
11 obligation to preserve all evidence. Moreover, if they continue to claim that this footage
12 does not exist, Plaintiffs intends to move the Court for a forensic examination of the
13 subject cameras—McDowell's body camera and McCampbell's dash camera from
14 August 6, 2020. The devices should be preserved.

15 **E. Administrative Claim**

16 89. On January 13, 2021, Plaintiffs submitted an administrative claim to Solano
17 County for the violations of the Solano County Sheriff's Office. The claim complied in
18 all respects with Cal. Gov. Code § 910. However, on January 20, 2021, a representative
19 from Solano County left a voicemail stating that the forms would not be accepted and
20 needed to be resubmitted because they appeared to be scanned or photocopied instead of
21 the signatures being in "original blue ink," which is not a statutory requirement. The
22 County required Plaintiffs to resubmit the claim forms with "original blue ink" signatures
23 before the claims could be considered and processed even though Cal. Gov. Code § 910
24 includes no such requirement. Plaintiffs contend that this "original blue ink" signature
25 requirement is an arbitrary and capricious requirement above and beyond what Cal. Gov.
26 Code § 910 requires—it is a nonsensical measure by Solano County intended to make it
27 difficult for people to file claims for constitutional and other violations; it is further
28 evidence of the County's assistance to the Sheriff's Office in condoning their deputies'

1 violations of the law.

2 90. On January 20, 2021 (the same day the County official informed counsel
3 that an original blue ink signature was required), Plaintiffs resubmitted their
4 administrative claim forms with original blue ink signatures even though there was no
5 legal requirement to do so, simply to avoid conflict.

6 91. On February 24, 2021, an adjuster representing Solano County called to
7 request additional information about the administrative claim in order to process the
8 claim. Plaintiffs' counsel called back the adjuster and left a voicemail but did not hear
9 from him again.

10 92. To date, Defendants have not responded to Plaintiffs' administrative claim.
11 Therefore, in this case, Cal. Gov. Code § 945.6 authorizes Plaintiffs to file this suit
12 against Solano County and the Solano County Sheriff's Office within two years from the
13 accrual of the cause of action. Cal. Gov. Code § 945.6(a)(2).

14 93. Furthermore, when Plaintiffs filed their Complaint and First Amended
15 Complaint ("FAC"), they were under the impression that the constitutional violations in
16 this case had been committed solely by deputies of the Solano County Sheriff's Office.
17 However, on January 4, 2022, through outside counsel for Solano County, Plaintiffs
18 learned for the very first time that Dixon Police Department Officers Gabriel
19 Hollingshead and Aaron Williams were also involved in the violations alleged by
20 Plaintiffs. Prior to this, Plaintiffs did not know the identities of these officers and
21 reasonably believed that they were Solano County Sheriff's deputies. (*See, e.g.*, Dkt. 12
22 (FAC), ¶¶ 18-21; 39-43). Plaintiff thus believed they had timely submitted their
23 administrative claim to Solano County against these officers' actions, as reflected in the
24 Complaint and FAC.

25 94. Indeed, after the filing of the FAC, even outside counsel for Solano County
26 needed time to determine whether or not these officers were Solano County Sheriff's
27 deputies at the time of the incident before providing Plaintiffs the information on January
28 4, 2022 (for the very first time), which included the Dixon Police officers' identities and

1 place of employment on the relevant dates.

2 95. The very next day, on January 5 and 6, 2022, Plaintiffs, acting with
3 diligence, contacted the City of Dixon and the Dixon Police Department to inquire about
4 the procedure for filing a claim for damages against the City of Dixon and the Dixon
5 Police Department under Cal. Gov. Code § 910, *et seq.* However, no one at the City or
6 the Police Department was able to provide any information.

7 96. On January 6, 2022, within two days of learning the identities of the Dixon
8 Police officers and the fact of their involvement, Plaintiffs mailed letters to both the City
9 of Dixon and the Dixon Police Department, complying with all the statutory
10 requirements of Gov. Code § 910 and attaching the FAC, which describes in detail the
11 factual basis for the claim. Plaintiffs also included a check in the amount of \$25 to the
12 City of Dixon as the claim filing fee in compliance with Gov. Code § 911.2.

13 97. The claim is thus permissible and timely under the delayed-discovery
14 doctrine and allows Plaintiffs to move forward with this suit. *See Martinez v. Cty. of*
15 *Sonoma*, No. 15-cv-01953-JST, 2015 U.S. Dist. LEXIS 122427, at *13 (N.D. Cal. Sep.
16 12, 2015) (the presentation requirement under California Government Claims Act may be
17 tolled by the delayed discovery doctrine).

18
19 **V. CLAIMS FOR RELIEF**

20 **FIRST CLAIM FOR RELIEF**

21 **FOURTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION**

22 **42 U.S.C. § 1983**

23 **(UNLAWFUL SEIZURE)**

24 **(AIDING AND ABETTING)**

25 ***(Against All Individual Defendants)***

26 98. Plaintiffs Nakia Porter, Joe Berry Powell, Jr., L.P., A.P., and O.P.
27 (“Plaintiffs” for purposes of this claim) bring this claim for relief against all individual
28 Defendants (“Defendants” for purposes of this claim), all of whom aided and abetted one

1 another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference
2 in this claim each and every allegation of the preceding paragraphs with the same force
3 and effect as though fully set forth herein.

4 99. “The Fourth Amendment protects against unreasonable seizures by the
5 government.” *Gonzalez v. ICE*, 975 F.3d 788, 819 (9th Cir. 2020) (citing U.S. Const.
6 amend. IV). “The infringement on personal liberty of any ‘seizure’ of a person can only
7 be ‘reasonable’ under the Fourth Amendment if we require the police to possess
8 ‘probable cause’ *before* they seize him.” *Id.* (emphasis in original) (quoting *Terry v.*
9 *Ohio*, 392 U.S. 1, 38 (1968)). “Whenever an officer restrains the freedom of a person to
10 walk away, he has seized that person.” *Tennessee v. Garner*, 471 U.S. 1, 7 (1985).

11 100. When a person is seized for a traffic infraction, so too are all other persons
12 in the vehicle. *Villanueva v. California*, 986 F.3d 1158, 1166 (9th Cir. 2021). The
13 California Penal Code clearly provides that, for traffic infractions, “a peace officer shall
14 *only* require the arrestee to present his or her driver’s license or other satisfactory
15 evidence of his or her identity for examination and to sign a written promise to appear
16 contained in a notice to appear. . . . *Only if* the arrestee refuses to sign a written promise,
17 has no satisfactory identification, or refuses to provide a thumbprint or fingerprint may
18 the arrestee be taken into custody.” Cal. Penal Code § 853.5(a).

19 101. As described in detail above in Section IV(Facts Common to All Counts),
20 Defendants, acting under color of state law, intentionally deprived Plaintiffs of rights,
21 privileges, and immunities secured by the Constitution and laws of the United States,
22 including the Fourth and Fourteenth Amendments, by seizing, arresting, unreasonably
23 taking into custody, and prolonging the detention of Plaintiffs without cause and in
24 violation of clearly established state and federal law. Defendant Stockton failed to
25 perform his duty to appropriately supervise the deputies and officers, and rather aided
26 and abetted them in covering up the violations, knowingly approving their falsified
27 reports for submission to the District Attorney to recommend prosecution against Ms.
28 Porter in order to shield Defendants from liability.

1 102. As a direct and proximate result of Defendants' aforementioned acts,
2 Plaintiffs were injured as set forth above.

3 103. Individual defendants are personally liable under 42 U.S.C. § 1983 and not
4 immune based on the doctrine of qualified immunity.

5
6 **SECOND CLAIM FOR RELIEF**

7 **FOURTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION**

8 **VIOLATION OF 42 U.S.C. § 1983**

9 **(EXCESSIVE FORCE)**

10 **(AIDING AND ABETTING)**

11 *(Against All Individual Defendants)*

12 104. Plaintiffs Nakia Porter, Joe Berry Powell, Jr., L.P., A.P., and O.P.
13 (“Plaintiffs” for purposes of this claim) bring this claim for relief against all individual
14 Defendants (“Defendants” for purposes of this claim), all of whom aided and abetted one
15 another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference
16 in this claim each and every allegation of the preceding paragraphs with the same force
17 and effect as though fully set forth herein.

18 105. “Excessive use of force in effectuating a seizure violates the Fourth
19 Amendment.” *Sandoval v. Las Vegas Metro. Police Dep’t*, 756 F.3d 1154, 1165 (9th Cir.
20 2014) (citing *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865 (1989)). Drawing and
21 pointing a gun at an unarmed, compliant suspect constitutes excessive force. *Id.* (citing
22 *Robinson v. Solano County*, 278 F.3d 1007, 1014 (9th Cir. 2002) (*en banc*)). Handcuffing
23 and detaining a person not suspected of any crime also constitutes excessive force. *Id.*

24 106. As described in detail above in Section IV (Facts Common to All Counts),
25 Defendants, acting under color of state law, intentionally deprived Plaintiffs of rights,
26 privileges, and immunities secured by the Constitution and laws of the United States,
27 including the Fourth and Fourteenth Amendments, by unreasonably pointing a gun at,
28 handcuffing, detaining, and assaulting Plaintiffs. Defendant Stockton failed to perform

1 his duty to appropriately supervise the deputies and officers, and rather aided and abetted
2 them in covering up the violations, knowingly approving their falsified reports for
3 submission to the District Attorney to recommend prosecution against Ms. Porter in order
4 to shield Defendants from liability.

5 107. As a direct and proximate result of Defendants' aforementioned acts,
6 Plaintiffs were injured as set forth above.

7 108. Individual defendants are personally liable under 42 U.S.C. § 1983 and not
8 immune based on the doctrine of qualified immunity.

9
10 **THIRD CLAIM FOR RELIEF**

11 **FOURTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION**

12 **VIOLATION OF 42 U.S.C. § 1983**

13 **(UNLAWFUL SEARCH)**

14 **(AIDING AND ABETTING)**

15 *(Against All Individual Defendants)*

16 109. Plaintiffs Nakia Porter, Joe Berry Powell, Jr., L.P., A.P., and O.P.
17 ("Plaintiffs" for purposes of this claim) bring this claim for relief against all individual
18 Defendants ("Defendants" for purposes of this claim), all of whom aided and abetted one
19 another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference
20 in this claim each and every allegation of the preceding paragraphs with the same force
21 and effect as though fully set forth herein.

22 110. "The Fourth Amendment protects the right of the people to be free from
23 unreasonable searches and seizures." U.S. Const., amend. IV. "[A] violation [of the
24 Fourth Amendment] occurs when government officers violate a person's 'reasonable
25 expectation of privacy.'" *United States v. Jones*, 565 U.S. 400, 406 (2012).

26 111. As described in detail above in Section IV (Facts Common to All Counts),
27 Defendants, acting under color of state law, intentionally deprived Plaintiffs of rights,
28 privileges, and immunities secured by the Constitution and laws of the United States,

1 including the Fourth and Fourteenth Amendments, by unreasonably searching their
2 vehicle and person without probable cause. Defendant Stockton failed to perform his
3 duty to appropriately supervise the deputies and officers, and rather aided and abetted
4 them in covering up the violations, knowingly approving their falsified reports for
5 submission to the District Attorney to recommend prosecution against Ms. Porter in order
6 to shield Defendants from liability.

7 112. As a direct and proximate result of Defendants' aforementioned acts,
8 Plaintiffs were injured as set forth above.

9 113. Individual defendants are personally liable under 42 U.S.C. § 1983 and not
10 immune based on the doctrine of qualified immunity.

11
12 **FOURTH CLAIM FOR RELIEF**

13 **FOURTH, FIFTH, AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION**

14 **VIOLATION OF 42 U.S.C. § 1983**

15 **(FALSE STATEMENTS AND FABRICATION OF EVIDENCE)**

16 **(AIDING AND ABETTING)**

17 *(Against Defendants Stockton, McCampbell, and McDowell)*

18 114. Plaintiff Nakia Porter ("Plaintiff" for purposes of this claim) brings this
19 claim for relief against Defendants Stockton, McCampbell, and McDowell ("Defendants"
20 for purposes of this claim), all of whom aided and abetted one another in the acts alleged
21 in this claim. Plaintiff realleges and incorporates by reference in this claim each and
22 every allegation of the preceding paragraphs with the same force and effect as though
23 fully set forth herein.

24 115. "[T]here is a clearly established constitutional due process right not to be
25 subjected to criminal charges on the basis of false evidence that was deliberately
26 fabricated by the government." *Devereaux v. Abbey*, 263 F.3d 1070, 1074-75 (9th Cir.
27 2001).

28 116. As described in detail above in Section IV (Facts Common to All Counts),

1 Defendants, acting under color of state law, intentionally deprived Plaintiff of rights,
2 privileges, and immunities secured by the Constitution and laws of the United States,
3 including the Fourth, Fifth, and Fourteenth Amendments, by imprisoning Plaintiff on
4 fabricated charges and submitting false evidence against her to conceal their own
5 unlawful acts. Defendant Stockton failed to perform his duty to appropriately supervise
6 the deputies and officers, and rather aided and abetted them in covering up the violations,
7 knowingly approving their falsified reports for submission to the District Attorney to
8 recommend prosecution against Ms. Porter in order to shield all Defendants from
9 liability.

10 117. As a direct and proximate result of Defendants' aforementioned acts,
11 Plaintiff was injured as set forth above.

12 118. Individual defendants are personally liable under 42 U.S.C. § 1983 and not
13 immune based on the doctrine of qualified immunity.

14
15 **FIFTH CLAIM FOR RELIEF**

16 **FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION**

17 **VIOLATION OF 42 U.S.C. § 1983**

18 **(EQUAL PROTECTION)**

19 **(AIDING AND ABETTING)**

20 *(Against All Individual Defendants)*

21 119. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P.
22 ("Plaintiffs" for purposes of this claim) bring this claim for relief against all individual
23 Defendants ("Defendants" for purposes of this claim), all of whom aided and abetted one
24 another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference
25 in this claim each and every allegation of the preceding paragraphs with the same force
26 and effect as though fully set forth herein.

27 120. The Fourteenth Amendment prohibits law enforcement officers from acting
28 in an intentionally discriminatory manner. *Lacy v. Villeneuve*, No. C03-2442JLR, 2005

1 U.S. Dist. LEXIS 31639, at *12 (W.D. Wash. Nov. 21, 2005) (citing *Bingham v. City of*
2 *Manhattan Beach*, 341 F.3d 939, 948 (9th Cir. 2003)).

3 121. As described in detail above in Section IV (Facts Common to All Counts),
4 Defendants, acting under color of state law, intentionally deprived Plaintiffs of rights,
5 privileges, and immunities secured by the Constitution and laws of the United States,
6 including the Fourth and Fourteenth Amendments, by unreasonably pointing a gun at,
7 handcuffing, detaining, and assaulting Plaintiffs, and additionally jailing and fabricating
8 evidence against Plaintiff Porter and submitting her case for prosecution. Plaintiffs had
9 done nothing wrong, and their only distinguishing characteristic was that they are
10 identifiably Black. Indeed, Deputy McCampbell had racially demeaned Mr. Powell by
11 referring to him as “young man,” which to Mr. Powell sounded like the racial slur “boy”
12 used to demean Black men. The Defendant Deputies together pulled out Ms. Porter’s
13 braids as they were beating her, which, for a Black woman, is not only very painful but
14 soul crushing because it takes years of care and grooming to grow and develop the locks.
15 Defendants even went as far as to intentionally terrorize the little children at the scene, all
16 under age six and all of whom are Black, approaching them with a pistol pointed at them
17 and a shotgun, and repeatedly shining flashlights in their faces after intentionally having
18 detained and isolated them from their caretakers without cause for approximately an
19 hour.

20 122. As discussed in greater detail above, the Defendant Deputies are supervised
21 by Defendant Sergeant Roy Stockton who oversaw the unlawful actions alleged herein
22 and who is reported to have ties to the extremist group The Three Percenters, whose
23 members have openly espoused racist beliefs and made racist remarks. Sergeant
24 Stockton not only oversaw the constitutional violations but knowingly approved the false
25 reports written by Deputies McDowell and McCampbell to cover up their racially
26 motivated attack on Plaintiffs and to have Plaintiff Porter charged based on false
27 evidence.

28 123. Upon information and belief, the SCSO and County refuse to appropriately

1 and transparently investigate their deputies' membership and affiliation with the
2 extremist group The Three Percenters, instead concealing, condoning, and permitting
3 deputies to engage in unlawful enforcement tactics based on extremist and violent racist
4 ideologies within their ranks.

5 124. As a direct and proximate result of Defendants' aforementioned acts,
6 Plaintiffs were and continue to be injured as set forth above.

7 125. Individual defendants are personally liable under 42 U.S.C. § 1983 and not
8 immune based on the doctrine of qualified immunity.

9
10 **SIXTH CLAIM FOR RELIEF**

11 **CAL. CIV. CODE § 52.1 (TOM BANE CIVIL RIGHTS ACT)**

12 **(AIDING AND ABETTING)**

13 *(Against All Defendants)*

14 126. 119. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P.
15 ("Plaintiffs" for purposes of this claim) bring this claim for relief against all Defendants
16 ("Defendants" for purposes of this claim), all of whom aided and abetted one another in
17 the acts alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim
18 each and every allegation of the preceding paragraphs with the same force and effect as
19 though fully set forth herein.

20 127. The Tom Bane Civil Rights Act provides for liability when a defendant's
21 threats, intimidation, or coercion interferes or attempts to interfere with "the exercise or
22 enjoyment by any individual of rights secured by the Constitution or laws of the United
23 States, or of the rights secured by the Constitution or laws of this state." Cal. Civ. Code
24 § 52.1(a).

25 128. As described in detail above in Section IV (Facts Common to All Counts),
26 Defendants, acting under color of state law, engaged in threats, intimidation, or coercive
27 acts that interfered with or attempted to interfere with the rights of Plaintiffs secured
28 under the Fourth, Fifth, and Fourteenth Amendments of the U.S. Constitution, Sections 7

1 and 13 of Article I of the California Constitution, and Cal. Pen. Code § 853.5. Defendant
2 Stockton failed to perform his duty to appropriately supervise the Defendant Deputies,
3 and rather aided and abetted them in covering up the violations, knowingly approving
4 their falsified reports for submission to the District Attorney's Office to recommend
5 prosecution against Ms. Porter in order to shield Defendants from liability.

6 129. Defendants unlawfully took Plaintiffs into custody and imprisoned and
7 detained them without probable cause for an unreasonably lengthy period, with the
8 particular purpose of depriving Plaintiffs of the protections that applied to them under the
9 U.S. and California Constitutions and state law.

10 130. Defendants additionally unlawfully applied excessive force against Plaintiffs
11 with the particular purpose of depriving Plaintiffs of the protections that applied to them
12 under the U.S. and California Constitutions and state law.

13 131. In addition, Defendants unlawfully searched Plaintiffs and their vehicle
14 without probable cause and in a fishing expedition to find pretext for their own unlawful
15 actions after-the-fact, with the particular purpose of depriving Plaintiffs of the protections
16 that applied to them under the U.S. and California Constitutions and state law.

17 132. Defendants also fabricated evidence against Ms. Porter in an attempt to have
18 her falsely charged with the particular purpose of depriving her of the protections that
19 applied to her under the U.S. and California Constitutions and state law

20 133. Defendants' deliberate and reckless actions caused Plaintiffs to directly and
21 proximately suffer significant harm and injury.

22 134. Individual defendants are personally liable under the Bane Civil Rights Act.

23 135. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
24 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
25 Thompson) are separately vicariously liable under state law, because their employees,
26 acting within the course and scope of their duties, are liable under the Bane Act. Cal.
27 Gov. Code § 815.2.

SEVENTH CLAIM FOR RELIEF

CAL. CIV. CODE § 51.7 (RALPH CIVIL RIGHTS ACT)

(AIDING AND ABETTING)

(Against All Defendants)

136. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P. (“Plaintiffs” for purposes of this claim) bring this claim for relief against all Defendants (“Defendants” for purposes of this claim), all of whom aided and abetted one another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim each and every allegation of the preceding paragraphs with the same force and effect as though fully set forth herein.

137. The Ralph Civil Rights Act provides that “[a]ll persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of [their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status] . . . because another person perceives them to have one or more of those characteristics.” Cal. Civ. Code §§ 51 and 51.7.

138. As described in detail above in Section IV (Facts Common to All Counts), Defendants, acting under color of state law, intentionally committed violence and intimidation by threat of violence against Plaintiffs on account of their race, color, and ancestry by unlawfully pointing a gun at, handcuffing, detaining, searching, and assaulting Plaintiffs, and additionally jailing and fabricating evidence against Ms. Porter and submitting that evidence to have her falsely prosecuted. Plaintiffs had done nothing wrong, and their only distinguishing characteristic was that they are identifiably Black. Indeed, Deputy McCampbell had racially demeaned Mr. Powell by referring to him as “young man,” which to Mr. Powell sounded like the racial slur “boy” used to demean Black men. Defendants McCampbell and McDowell together pulled out Ms. Porter’s

1 braids as they were beating her, which, for a Black woman, is not only very painful but
2 soul crushing because it takes years of care and grooming to grow and develop the locks.
3 The remaining Defendant Sheriff's deputies and Dixon police officers participated in
4 unlawful seizure and search and excessive force against all Plaintiffs.

5 139. As discussed in detail above, the Defendant Deputies are supervised by
6 Defendant Sergeant Roy Stockton, who is reported to have ties to the extremist group
7 The Three Percenters, whose members have openly espoused racists beliefs and made
8 racist remarks. Sergeant Stockton oversaw the constitutional violations of the Defendant
9 Sheriff's deputies and Dixon police officers and knowingly approved the false reports
10 written by Deputies McDowell and McCampbell to cover up their racially motivated
11 attack on Plaintiffs and to have Ms. Porter falsely charged.

12 140. The SCSO and County refuse to appropriately and transparently investigate
13 their deputies' membership and affiliation with the extremist group The Three
14 Percenters, and/or other such racist and extremist groups, and instead conceal, condone,
15 and permit racist and violent extremist ideologies within their ranks.

16 141. As a direct and proximate result of Defendants' aforementioned acts,
17 Plaintiffs were and continue to be injured as set forth above.

18 142. Individual defendants are personally liable under the Ralph Civil Rights Act.

19 143. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
20 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
21 Thompson) are separately vicariously liable under state law, because their employees,
22 acting within the course and scope of their duties, are liable for this state law violation.
23 Cal. Gov. Code § 815.2.

EIGHTH CLAIM FOR RELIEF

CAL. GOV. CODE § 815.6

(Aiding & Abetting)

(Against All Defendants)

144. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P. (“Plaintiffs” for purposes of this claim) bring this claim for relief against all Defendants (“Defendants” for purposes of this claim), all of whom aided and abetted one another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim each and every allegation of the preceding paragraphs with the same force and effect as though fully set forth herein.

145. “Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.” Cal. Gov. Code § 815.6.

146. California Penal Code Section 853.5 imposes a duty upon peace officers to *not* take into custody any person seized for a traffic infraction, and the person may be taken into custody *only if* that person is unable to present identification or refuses to sign a notice to appear. Cal. Pen. Code § 853.5(a). The statute is clearly designed to protect the public from unreasonably being taken into custody by peace officers investigating a traffic infraction.

147. As described in detail above in Section IV (Facts Common to All Counts), Defendants, acting under color of state law, failed to discharge their duty in that, for the pretextual reason of a “mismatched” license plate (a nonmoving, noncriminal minor traffic infraction, at best), Defendants took Ms. Porter and Mr. Powell into custody without so much as asking for an identification or explanation even though they were more than willing to and trying to provide both. They never questioned Plaintiffs about the mismatched license plate or presented them with any citation or notice to appear.

1 Instead, the Defendants seized and detained Plaintiffs for an unreasonably lengthy period
2 of time taking them both into custody without cause. The Children were also detained
3 alone for an hour in Defendants' custody without their caretakers. Defendant Stockton
4 failed to perform his duty to appropriately supervise the deputies and officers, and rather
5 aided and abetted them in covering up the violations, knowingly approving their falsified
6 reports for submission to the District Attorney's Office to recommend prosecution
7 against Ms. Porter in order to shield Defendants from liability.

8 148. Plaintiffs suffered injury as a direct and proximate result of Defendants'
9 conduct.

10 149. All Defendants are therefore directly liable under Cal. Gov. Code § 815.6.

11 150. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
12 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
13 Thompson) are separately vicariously liable under state law, because their employees,
14 acting within the course and scope of their duties, are liable for this state law violation.
15 Cal. Gov. Code § 815.2.

16
17 **NINTH CLAIM FOR RELIEF**

18 **FALSE IMPRISONMENT**

19 **(AIDING AND ABETTING)**

20 ***(Against All Defendants)***

21 151. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P.
22 ("Plaintiffs" for purposes of this claim) bring this claim for relief against all Defendants
23 ("Defendants" for purposes of this claim), all of whom aided and abetted one another in
24 the acts alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim
25 each and every allegation of the preceding paragraphs with the same force and effect as
26 though fully set forth herein.

27 152. "False imprisonment involves the intentional confinement of another against
28 the person's will. The elements are (1) nonconsensual, intentional confinement of a

1 person, (2) without lawful privilege, (3) for an appreciable period of time, however
2 brief.” *Bocanegra v. Jakubowski*, 241 Cal. App. 4th 848, 854 (2015) (citations omitted).
3 *See also Young v. City of Los Angeles*, 655 F.3d 1156, 1169 (9th Cir. 2011).

4 153. As described in detail above in Section IV (Facts Common to All Counts),
5 Defendants, acting under color of state law, intentionally, recklessly, and negligently
6 took and held Plaintiffs in custody and confined them against their will for an appreciable
7 period of time, even though they had no privilege to do so, and constitutional and state
8 statutory law explicitly prohibited Defendants from any of this. *See* U.S. Const., amend.
9 IV and XIV; Cal. Const., art. 1, §§ 7 and 13; Cal. Pen. Code § 853.5. Defendant Stockton
10 failed to perform his duty to appropriately supervise the deputies and officers, and rather
11 aided and abetted them in covering up the violations, knowingly approving their falsified
12 reports for submission to the District Attorney’s Office to recommend prosecution
13 against Ms. Porter in order to shield Defendants from liability.

14 154. The false imprisonment directly and proximately injured Plaintiffs.

15 155. Individual defendants are personally liable for false imprisonment.

16 156. The County of Solano, the Solano County Sheriff’s Office (Sheriff Thomas
17 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
18 Thompson) are separately vicariously liable under state law, because their employees,
19 acting within the course and scope of their duties, are liable for this state law violation.
20 Cal. Gov. Code § 815.2.

21
22 **TENTH CLAIM FOR RELIEF**

23 **ASSAULT & BATTERY**

24 **(AIDING AND ABETTING)**

25 ***(Against All Defendants)***

26 157. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P.
27 (“Plaintiffs” for purposes of this claim) bring this claim for relief against all Defendants
28 (“Defendants” for purposes of this claim), all of whom aided and abetted one another in

1 the acts alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim
2 each and every allegation of the preceding paragraphs with the same force and effect as
3 though fully set forth herein.

4 158. “The essential elements of a cause of action for assault are: (1) defendant
5 acted with intent to cause harmful or offensive contact, or threatened to touch plaintiff in
6 a harmful or offensive manner; (2) plaintiff reasonably believed she was about to be
7 touched in a harmful or offensive manner or it reasonably appeared to plaintiff that
8 defendant was about to carry out the threat; (3) plaintiff did not consent to defendant’s
9 conduct; (4) plaintiff was harmed; and (5) defendant’s conduct was a substantial factor in
10 causing plaintiff’s harm.” *So v. Shin*, 212 Cal.App.4th 652, 668-69 (2013).

11 159. “The essential elements of a cause of action for battery are: (1) defendant
12 touched plaintiff, or caused plaintiff to be touched, with the intent to harm or offend
13 plaintiff; (2) plaintiff did not consent to the touching; (3) plaintiff was harmed or
14 offended by defendant’s conduct; and (4) a reasonable person in plaintiff’s position
15 would have been offended by the touching.” *Id.* at 669.

16 160. As described in detail above in Section IV (Facts Common to All Counts),
17 Defendants, acting under color of state law, intentionally, recklessly, and negligently, and
18 with the intent to harm Plaintiffs, pointed one or more guns at Plaintiffs, placed Plaintiffs
19 in handcuffs, took Plaintiffs into custody and confined them against their will; they beat
20 Plaintiff Porter unconscious even though constitutional and state statutory law explicitly
21 prohibited Defendants from doing any of this. *See* U.S. Const., amend. IV and XIV; Cal.
22 Const., art. 1, §§ 7 and 13; Cal. Pen. Code § 853.5. Defendant Stockton failed to perform
23 his duty to appropriately supervise the Defendant Deputies and Officers, and rather aided
24 and abetted them in committing and covering up the violations, knowingly approving
25 their falsified reports for submission to the District Attorney’s Office to recommend
26 prosecution against Ms. Porter in order to shield Defendants from liability.

27 161. Plaintiffs did not consent to Defendants’ offensive conduct and reasonably
28 believed that they were going to be harmed and were harmed, as any reasonable person

1 in Plaintiffs' position would have been.

2 162. Defendants' offensive conduct directly and proximately injured Plaintiffs.

3 163. Individual defendants are personally liable for assault and battery.

4 164. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
5 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
6 Thompson) are separately vicariously liable under state law, because their employees,
7 acting within the course and scope of their duties, are liable for this state law violation.
8 Cal. Gov. Code § 815.2.

9
10 **ELEVENTH CLAIM FOR RELIEF**

11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12 **(AIDING AND ABETTING)**

13 *(Against All Defendants)*

14 165. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P.
15 ("Plaintiffs" for purposes of this claim) bring this claim for relief against all Defendants
16 ("Defendants" for purposes of this claim), who aided and abetted one another in the acts
17 alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim each
18 and every allegation of the preceding paragraphs with the same force and effect as
19 though fully set forth herein.

20 166. "A cause of action for intentional infliction of emotional distress exists
21 when there is (1) extreme and outrageous conduct by the defendant with the intention of
22 causing, or reckless disregard of the probability of causing, emotional distress; (2) the
23 plaintiff's suffering severe or extreme emotional distress; and (3) actual and proximate
24 causation of the emotional distress by the defendant's outrageous conduct." *Hughes v.*
25 *Pair*, 46 Cal.4th 1035,1050-1051 (2009) (internal quotation marks omitted).

26 167. As described in detail above in Section IV (Facts Common to All Counts),
27 Defendants, acting under color of state law, intentionally, recklessly, and negligently, and
28 with the intent to harm Plaintiffs, unlawfully pointed one or more guns at Plaintiffs,

1 placed Plaintiffs in handcuffs, took Plaintiffs into custody and confined them against
2 their will, and searched Plaintiffs; they beat Plaintiff Porter unconscious and emotionally
3 scarred the small children; they imprisoned her and attempted to bring fabricated charges
4 against her on the basis of false statements in order to conceal their own unlawful acts,
5 even though constitutional and state statutory law explicitly prohibited Defendants from
6 doing any of this. *See* U.S. Const., amend. IV and XIV; Cal. Const., art. 1, §§ 7 and 13;
7 Cal. Pen. Code § 853.5. Defendant Stockton failed to perform his duty to appropriately
8 supervise the deputies and officers, and rather aided and abetted them in committing and
9 covering up the violations, knowingly approving their falsified reports for submission to
10 the District Attorney's Office to recommend prosecution against Ms. Porter in order to
11 shield Defendants from liability.

12 168. Defendants' conduct was extreme and outrageous and was done with the
13 intention of causing, or in reckless disregard of the probability of causing, emotional
14 distress to Plaintiffs. Defendants' conduct was carried out in direct violation of
15 constitutional and statutory law and in a willful abuse of power; it was intended to cause
16 extreme injury to Plaintiffs and their children with the realization that it would do so.
17 Defendants' conduct was so extreme as to exceed all bounds of that usually tolerated in a
18 civilized community.

19 169. Plaintiffs suffered severe or extreme emotional distress and injury as a direct
20 and proximate result of Defendants' outrageous conduct.

21 170. Individual defendants are personally liable for assault and battery.

22 171. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
23 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
24 Thompson) are separately vicariously liable under state law, because their employees,
25 acting within the course and scope of their duties, are liable for this state law violation.
26 Cal. Gov. Code § 815.2.

TWELFTH CLAIM FOR RELIEF

NEGLIGENCE PER SE

(AIDING AND ABETTING)

(Against All Defendants)

172. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P. (“Plaintiffs” for purposes of this claim) bring this claim for relief against all Defendants (“Defendants” for purposes of this claim), who aided and abetted one another in the acts alleged in this claim. Plaintiffs reallege and incorporate by reference in this claim each and every allegation of the preceding paragraphs with the same force and effect as though fully set forth herein.

173. To establish negligence *per se*, “plaintiff must show that (1) defendant violated a statute, ordinance or regulation of a public entity, (2) the violation proximately caused his injury, (3) the injury resulted from an occurrence of the nature which the statute was designed to prevent; [and] (4) he was one of the class of persons for whose protection the statute was adopted.” *Sierra-Bay Fed. Land Bank Assn. v. Superior Court*, 227 Cal. App. 3d 318, 336 (1991).

174. Plaintiffs belong to the class of persons that Cal. Pen. Code § 853.5 was designed to protect.

175. As detailed in Section IV (Facts Common to All Counts) and the claims above, acting under color of state law, Defendants violated Cal. Pen. Code § 853.5 by unlawfully taking Plaintiffs into custody and prolonging their detention, and Defendant Stockton failed to perform his duty to appropriately supervise the deputies and officers, and rather aided and abetted them in committing and covering up the violations, knowingly approving their falsified reports for submission to the District Attorney to recommend prosecution against Ms. Porter in order to shield Defendants from liability.

176. These violations directly and proximately caused injury to Plaintiffs and the injury resulted from an occurrence the nature of which Cal. Pen. Code § 853.5 was designed to prevent.

1 177. Plaintiffs belong to the class of persons that the Bane Civil Rights Act was
2 designed to protect.

3 178. As detailed in Section IV (Facts Common to All Counts) and the claims
4 above, acting under color of state law, Defendants violated the Bane Civil Rights Act, and
5 Defendant Stockton failed to perform his duty to appropriately supervise the deputies and
6 officers, and rather aided and abetted them in committing and covering up the violations,
7 knowingly approving their falsified reports for submission to the District Attorney to
8 recommend prosecution against Ms. Porter in order to shield Defendants from liability.

9 179. These violations directly and proximately caused injury to Plaintiffs and the
10 injury resulted from an occurrence of the nature which the Bane Civil Rights Act was
11 designed to prevent.

12 180. Plaintiffs belong to the class of persons that the Ralph Civil Rights Act was
13 designed to protect.

14 181. As detailed in Section IV (Facts Common to All Counts) and the claims
15 above, acting under color of state law, Defendants violated the Ralph Civil Rights Act, and
16 Defendant Stockton failed to perform his duty to appropriately supervise the deputies and
17 officers, and rather aided and abetted them in committing and covering up the violations,
18 knowingly approving their falsified reports for submission to the District Attorney to
19 recommend prosecution against Ms. Porter in order to shield Defendants from liability.

20 182. These violations directly and proximately caused injury to Plaintiffs and the
21 injury resulted from an occurrence of the nature which the Ralph Civil Rights Act was
22 designed to prevent.

23 183. Plaintiffs belong to the class of persons that the Cal. Gov. Code § 815.6 was
24 designed to protect.

25 184. As detailed in Section IV (Facts Common to All Counts) and the claims
26 above, acting under color of state law, Defendants violated Cal. Gov. Code § 815.6, and
27 Defendant Stockton failed to perform his duty to appropriately supervise the deputies and
28 officers, and rather aided and abetted them in committing and covering up the violations,

1 knowingly approving their falsified reports for submission to the District Attorney to
2 recommend prosecution against Ms. Porter in order to shield Defendants from liability.

3 185. These violations directly and proximately caused injury to Plaintiffs and the
4 injury resulted from an occurrence of the nature which Cal. Gov. Code § 815.6 was
5 designed to prevent.

6 186. Individual defendants are personally liable for negligence *per se*.

7 187. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
8 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
9 Thompson) are separately vicariously liable under state law, because their employees,
10 acting within the course and scope of their duties, are liable for this state law violation.
11 Cal. Gov. Code § 815.2.

12
13 **THIRTEENTH CLAIM FOR RELIEF**

14 **NEGLIGENCE**

15 **(MALICE AND OPPRESSION)**

16 ***(Against All Defendants)***

17 188. Plaintiffs Nakia Porter and Joe Berry Powell, Jr., L.P., A.P., and O.P.
18 ("Plaintiffs" for purposes of this claim) bring this claim against all Defendants
19 ("Defendants" for purposes of this claim). Plaintiffs reallege and incorporate by reference
20 in this claim each and every allegation of the preceding paragraphs with the same force
21 and effect as though fully set forth herein.

22 189. At all times material to this complaint, Defendants, acting under color of
23 law, had a duty to ensure that they and their fellow deputies and officers followed the
24 law. Moreover, Sergeant Stockton, also acting under color of law, had a duty to supervise
25 the deputies and officers to ensure that they followed the law.

26 190. However, as described in detail above in Section IV (Facts Common to All
27 Counts), Defendants, acting under color of state law, unlawfully seized and searched
28 Plaintiffs and used excessive force against them. Defendants intentionally committed

1 violence and intimidation by threat of violence against Plaintiffs on account of their race,
2 color, and ancestry, all by unlawfully pointing a gun at, handcuffing, detaining,
3 searching, and assaulting Plaintiffs, and emotionally injuring their small children in front
4 of them, as well as jailing Ms. Porter and fabricating evidence against her, and then
5 submitting that evidence to the District Attorney to have her falsely prosecuted. Plaintiffs
6 had done nothing wrong, and their only distinguishing characteristic was that they are
7 identifiably Black. Indeed, Deputy McCampbell had racially demeaned Mr. Powell by
8 referring to him as “young man,” which to Mr. Powell sounded like the racial slur “boy”
9 used to demean Black men. Defendants together pulled out Ms. Porter’s braids as they
10 were beating her, which, for a Black woman, is not only very painful but soul crushing
11 because it takes years of care and grooming to grow and develop the locks. While it
12 appears that Defendants acted intentionally, at a minimum, they acted negligently and, in
13 doing so, engaged in malice and oppression and despicable conduct with a willful and
14 conscious disregard of the rights or safety of Plaintiffs.

15 191. As discussed in detail above, the Defendant Deputies are supervised by
16 Defendant Sergeant Roy Stockton, who is reported to have ties to the extremist group
17 The Three Percenters, whose members have openly espoused violent, extremist beliefs
18 and made racist remarks. Sergeant Stockton knowingly or, at a minimum, negligently
19 approved the false reports written by Deputies McDowell and McCampbell to cover up
20 their attack on Plaintiffs and to have Ms. Porter falsely charged, all of which appears to
21 be racially motivated and unconstitutional regardless of racial bias. Sergeant Stockton
22 thus engaged in malice and oppression and despicable conduct with a willful and
23 conscious disregard of the rights or safety of Plaintiffs.

24 192. Despite this and despite having video evidence of misconduct, Solano
25 County and its Sheriff’s Office refuse to appropriately and transparently investigate their
26 deputies’ constitutional violations and membership and affiliation with the extremist
27 group The Three Percenters, and/or other such racist and extremist groups, and instead
28 conceal, condone, and permit racist and violent extremist ideologies within their ranks,

1 permitting a pattern of constitutional violations to persist. At a minimum, County of
2 Solano, the Solano County Sheriff's Office (Sheriff Thomas A. Ferrara), the City of
3 Dixon, and the Dixon Police Department (Police Chief Robert Thompson) have acted
4 negligently in refusing to appropriately investigate and condoning the unlawful activities
5 of the Defendant deputies and officers.

6 193. As a direct and proximate result of Defendants' aforementioned acts,
7 Plaintiffs were and continue to be injured as set forth above.

8 194. The individual defendants are personally liable for their negligence.

9 195. The County of Solano, the Solano County Sheriff's Office (Sheriff Thomas
10 A. Ferrara), the City of Dixon, and the Dixon Police Department (Police Chief Robert
11 Thompson) are directly liable for their negligence, and separately vicariously liable under
12 state law, because their employees, acting within the course and scope of their duties, are
13 liable for this state law violation. Cal. Gov. Code § 815.2.

14 15 **VI. PRAYER FOR RELIEF**

16 WHEREFORE, on the basis of the foregoing claims, Plaintiffs pray that the Court
17 grant judgment against Defendants as follows:

- 18 1. General and compensatory damages in an amount according to proof;
- 19 2. Special damages according to proof;
- 20 3. Injunctive relief;
- 21 4. Costs, restitution, and multiple damages according to proof;
- 22 5. Punitive and exemplary damages according to proof;
- 23 6. Any and all applicable statutory and civil penalties;
- 24 7. Pre- and post-judgment interest on any amounts awarded;
- 25 8. An award of attorneys' fees and costs, including expert costs;
- 26 9. Leave to amend this complaint to conform to the evidence produced in
27 discovery and at trial; and
28

10. Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all triable issues.

Dated: January 7, 2022

ALMADANI LAW

By: /s/ Yasin M. Almadani
Yasin M. Almadani, Esq.

Attorney for Plaintiffs

EXHIBIT C

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NAKIA V. PORTER, et al,

Plaintiff,

v.

COUNTY OF SOLANO; et al.,

Defendants.

Case No. 2:21-CV-01473-KJM-JDP

**DEFENDANT ROY STOCKTON'S
SUPPLEMENTAL RESPONSE TO PLAINTIFF
NAKIA V. PORTER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET ONE (1),
Number 4.**

PROPOUNDING PARTY: Plaintiff NAKIA V. PORTER

RESPONDING PARTY: Defendant SERGEANT ROY STOCKTON

SET NUMBER: ONE (1)

PRELIMINARY STATEMENT

Defendant SERGEANT ROY STOCKTON (“DEFENDANT”) has not yet completed his investigation or analysis of the facts relating to this case, has not completed discovery and has not completed preparation for trial. Accordingly, these responses are given without prejudice to DEFENDANT’s rights to produce evidence of any subsequently discovered facts or interpretations thereof and/or to add to, modify or to otherwise change or amend the responses herein. The information hereinafter set forth is true and correct to the best of the DEFENDANT’s knowledge at this time, and is subject to correction for inadvertent errors or omissions, if any errors or omissions shall hereafter be found to exist.

DEFENDANT expressly reserves the right to revise and/or supplement these responses, as additional information shall be forthcoming throughout the discovery process.

All documents to be produced are identified by their bate stamp number and will be produced by dropbox:

<https://www.dropbox.com/scl/fo/51k7p1d1wgy4qgso6hh79/h?rlkey=8z53td3u6cn5cswds8bpfrs55&dl=0>

OBJECTIONS APPLICABLE TO ALL RESPONSES

DEFENDANT objects to each and every Request on the grounds that it seeks information protected by the attorney-client privilege and the attorney work-product doctrines. DEFENDANT hereby incorporates this objection into each and every one of its responses. Under no circumstances are DEFENDANT’s responses to act as a waiver of the attorney-client privilege and/or the attorney work-product doctrines.

RESPONSES

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4:

For the period of ten years preceding the INCIDENT on August 6, 2020, through the present date, all DOCUMENTS, including e-mails and social media messages and postings, relating to all social, political, militant, pro-gun rights, patriotic, American nationalist, fascist, racist, white supremacist, or white nationalist organizations, clubs, associations, or groups that YOU belong/belonged to, are/were affiliated with, or attended meetings of. Examples of such organizations, clubs, associations, or groups in

1 this interrogatory (sic) includes, but is not limited to, Proud Boys, Oath Keepers, Three Percenters,
2 Constitutional Sheriffs, Boogaloo Movement, National Rifle Association, and the Ku Klux Klan.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

4 Defendant incorporates by reference as though fully set forth below his initial response and
5 objections to this Request No. 4 dated October 2023. Reserving said objections Defendant Roy Stockton
6 responds as follows that in Response to Request No. 4, Responding Party produces herein by drop box all
7 responsive documents in his possession, custody, and control:

- 8
- 9 1. Facebook. (SC1509-1524)
 - 10 2. High Brass Leather Etsy. (SC1525-1527)
 - 11 3. High Brass Leather Instagram. (SC1528-1844)
 - 12 4. High Brass Leather Website. (SC1845-1851)
 - 13 5. Live Free EDC Instagram. (SC1852-1853)
 - 14 6. Live Free EDC Website. (SC1854-1863)

15 Dated: February 23, 2024

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

16
17
18 By: /s/ Gregory M. Fox
Gregory M. Fox

19
20 Attorneys for Defendant
SERGEANT ROY STOCKTON

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am employed in the County of San Francisco, California; I am over the age of eighteen years and not a party to the within cause; and my business address is 2749 Hyde Street, San Francisco, California 94109.

I am readily familiar with the practice of Bertrand, Fox, Elliot, Osman & Wenzel with respect to the collection and processing of pleadings, discovery documents, motions and all other documents which must be served upon opposing parties or other counsel in litigation. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

On **February 23, 2024**, I served the following document:

DEFENDANT ROY STOCKTON'S SUPPLEMENTAL RESPONSE TO PLAINTIFF NAKIA V. PORTER'S REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE (1), Number 4.

on the following interested parties:

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Attorneys for Defendants County of Solano, Sheriff Thomas A. Ferrara, Dalton McCampbell, Lisa McDowell, Connor Hamilton, and Chris Carter

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Attorney for Plaintiffs

Said service was performed in the following manner:

(✓) **BY ELECTRONIC MAIL SERVICE (E-Mail):** Pursuant to CCP section 1010.6(e)(1), requiring represented parties to accept service by e-mail or electronic transmission, I caused the

1 documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within
2 a reasonable time after the transmission, any electronic message or other indication that the
3 transmission was unsuccessful.

4
5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed **February 23, 2024**, at San Francisco, California.


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VERIFICATION

I, Roy Stockton, hereby declare:

I am a defendant in the above action, and am authorized to make this verification on my behalf. I have read and know the contents of the foregoing **DEFENDANT ROY STOCKTON'S SUPPLEMENTAL RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE (1)**, Item 4 propounded to defendant ROY STOCKTON. These responses were prepared with the assistance of counsel and these responses, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. The responses are true to the best of my knowledge, information, and belief.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this February 23, 2024, at Fairfield, California.



Roy Stockton

VERIFICATION

EXHIBIT D



Solano County Sheriff's Sgt. Cully Pratt poses with a rifle display rack he made for fellow sheriff's Sgt. Roy Stockton. The handmade wood display features symbolism associated with the far-right Three Percenter movement, which has been linked to several terrorist plots around the country.



Solano County Sheriff's Sgt.
with a rifle display rack he
sheriff's Sgt. Roy Stockton.



cullypratt

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#pewpew #freedom #guns #gaddy
#tactical #rifle #nra #magpul
#blackrifle #556 #3percenter
#shallnotbeinfringed #libertyordeath
#blackgunsmatter

222w



madscootercop That's awesome,
you make that?



222w 1 like Reply



ohthatsnicko So sick 🤔



187 likes

OCTOBER 19, 2016

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Post

heriff's Sgt. Cully Pratt poses
lay rack he made for fellow
y Stockton. The handmade
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EXHIBIT E

9:33



highbrassleather



630
posts

3,457
followers

1,092
following

Leather items for your pocket

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This account is private

Follow this account to see their photos and videos.



EXHIBIT F



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live_free_edc #Repost @liberty_edc

...

Getting ready for the election tomorrow 🤔👍. Still mind-boggling that Hillary is not in jail. Just remember when you go vote "13 hours" 🇺🇸 #556 #45auto #9mm #glock23 #glock43 #glock36 #glock19 #DTOM #donttreadonme #palmettostatearmory #ar15 #ar9 @thepatriotmilitia @psamtp @therealpalmettostatearmory



66 likes

NOVEMBER 7, 2016

Add a comment...

Post

This is Sgt. Roy Stockton. He was elected to the Vacaville City Council last year.

Pratt made the board for him. Stockton also sells crafts with Three Percenter symbols.

In 2016, he reposted an image of guns that said, "Getting ready for the election tomorrow." 3/x

10:03 AM · Feb 5, 2021

306 Reposts 21 Quotes 850 Likes

5 Bookmarks



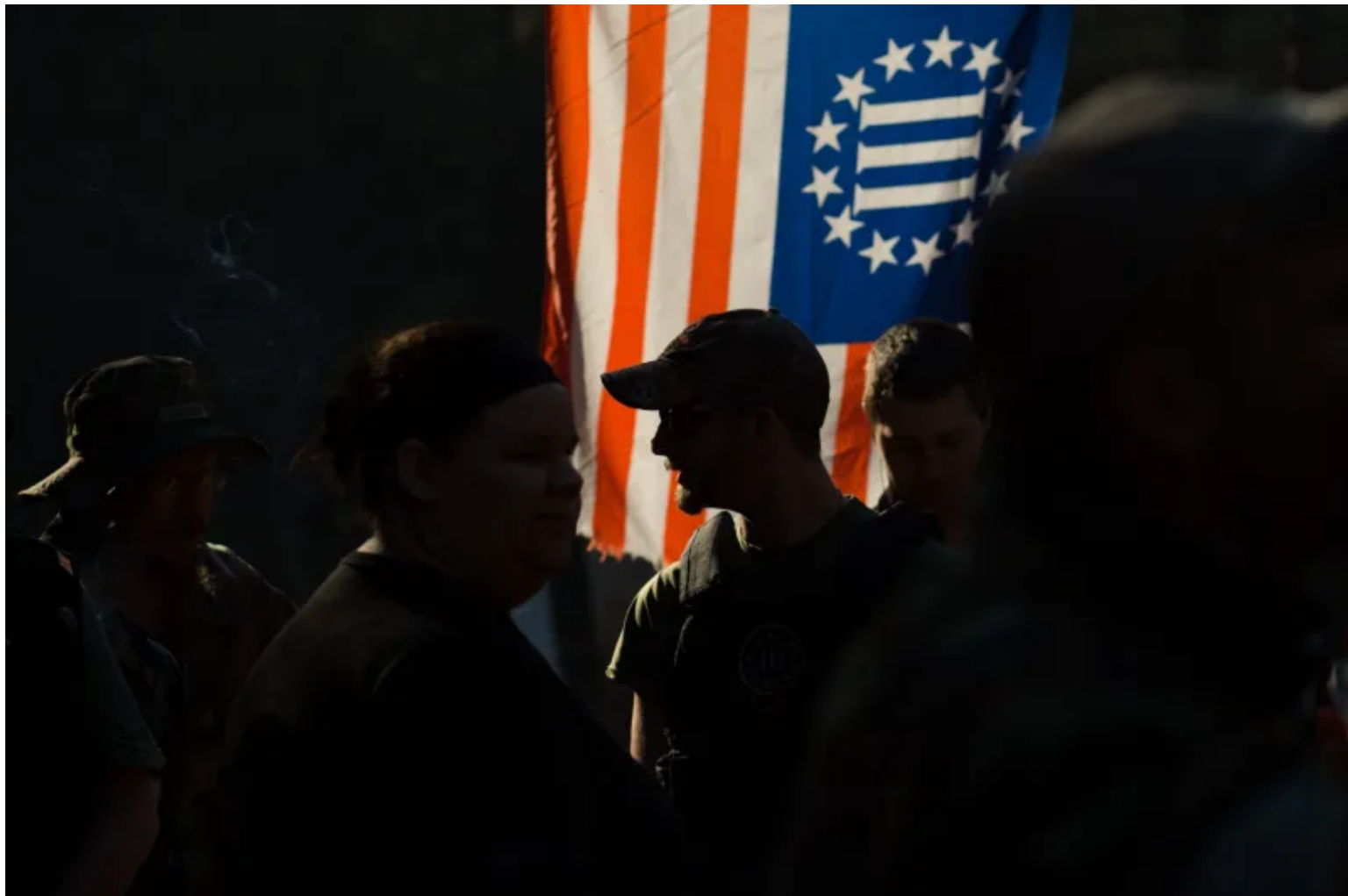
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EXHIBIT G

Solano deputies, Vacaville councilmember promote anti-government militia

By Scott Morris | February 4, 2021



Members of the III% militia wait for instructions while training in Jackson, Ga. on Oct. 29, 2016. Credit: Kevin D. Liles / The New York Times, via Redux

Daniel “Cully” Pratt of the Solano County Sheriff’s Office has a side business making decorative wood carvings. Some feature characters from movies starring his brother [Chris Pratt](#), like “Jurassic World” and “Guardians of the Galaxy.”

Others are more political, like the rifle display he made for Sgt. Roy Stockton, a Sheriff’s Office colleague and recently-elected member of the Vacaville City Council.

The piece resembles a California flag, but instead of a bear, it features hooks for Stockton's AR-15 rifle above the words, "WILL NOT COMPLY." Thirteen shotgun shells, arranged like the stars of the Betsy Ross flag, form a circle around the Roman numeral III. Cully Pratt grins from behind his creation in a 2018 Instagram post, which he labeled with the hashtag, "#3percenter."



Screenshot / Open Vallejo

Solano County Sheriff's Sgt. Cully Pratt poses with a rifle display rack he made for fellow sheriff's Sgt. Roy Stockton. The handmade wood display features symbolism associated with the far-right Three Percenter movement, which has been linked to several terrorist plots around the country. Credit: Screenshot / Open Vallejo

Three Percenters are a loose-knit collection of far-right extremists characterized by anti-government, pro-gun views, and a willingness to violently defy the federal government. At least one person with Three Percenter ties has been charged in connection with the Jan. 6 storming of the Capitol in Washington, D.C., where five people died, including a police officer. Others have been connected to bombings and kidnapping plots.

The group appears to have ideological support within the Solano County Sheriff's Office. Pratt, Stockton and at least one other current sheriff's deputy have posted Three Percenter imagery on their public social media pages for years, an Open Vallejo investigation has found. Their friends and followers include staff at the sheriff's office. While not all interacted with the deputies' Three Percenter posts, their identity and stated views were clear. Rather than face repercussions for their support of a group linked to violence, the deputies have risen in the ranks of the sheriff's office and have been trusted with high-profile public assignments.

Since the attack on the Capitol, long-simmering concerns about right wing violence have grown more pronounced, both locally and nationwide. The Department of Homeland Security [warned](#) last Wednesday of a heightened threat from anti-government extremists following President Joe Biden's inauguration. Last week, federal prosecutors charged American Canyon resident Ian Rogers with possessing five pipe bombs following his arrest in nearby Napa on Jan. 15. Investigators seized 49 guns and noted that Rogers had a Three Percenter emblem on his vehicle, [court records](#) show.



David Butow / Redux

Supporters of President Trump clash with police at the United States Capitol on Jan. 6, 2021. A Three Percenter flag is visible in the foreground of the frame. Credit: David Butow / Redux

Open Vallejo contacted each of the deputies who posted extremist content, most of whom did not respond. Solano County spokesperson Matthew Davis declined to comment on whether county officials are active members of any anti-government militia.

‘We are everywhere’



Alex Flynn / Redux

Unidentified members of III% affiliated groups take part in a close-quarters battle drill during a multi-state training exercise near Denver, Colo., on July 25, 2015. Credit: Alex Flynn / Redux

Three Percenters do not have a central organization but instead are largely autonomous **groups** with sympathetic ideology. Formed in 2008 following the election of President Barack Obama, the group derives its name from the **erroneous** belief that only 3 percent of American colonists fought in the revolution against Great Britain. But instead of fighting an overseas oppressor, Three Percenters view the United States government as a tyrannical threat, especially in the context of gun control.

Nationwide, Three Percenters have been accused by federal authorities of plotting violence in a number of recent incidents. Adam Fox, one of the men accused of **plotting** to kidnap the governor of Michigan last year, was the leader of a Three Percenter group, according to investigators. A man in Ohio inspired by the Three Percenter movement was **arrested last May**.

after he allegedly tried to recruit others to help kidnap or kill police officers. A former sheriff's deputy who led an Illinois Three Percenter group was **convicted in December of** bombing a mosque. A man who told undercover FBI agents he had "III% ideology" was **sentenced to 25 years** in prison for the attempted bombing of a bank in Oklahoma City in 2017.

Presenting themselves as modern-day patriots, Three Percenters make frequent reference to symbols of the American Revolution. The militia's logo consists of 13 stars, as in the Betsy Ross flag, arranged around the Roman numeral III. The group's other visual references include the year 1776 and the **Gadsden flag**, which features a coiled rattlesnake above the words, "**Don't Tread on Me.**"



Federal Bureau of Investigation

A Three Percenter decal was found on American Canyon resident Ian Rogers' vehicle when he was arrested in Napa earlier this month. Investigators seized five pipe bombs and dozens of guns, court records show.

In plain sight



Solano Family First Responders

Solano County Sheriff's Sgt. Roy Stockton, right, at a fundraiser for Solano Family First Responders, the charity he runs with Pratt. Stockton was sworn in as a member of the Vacaville City Council earlier this month. Solano County Public Works employee Galen "Jamie" Estes, who has a large Three Percenter tattoo, is seen second from left.

For years, Solano County Sheriff's officials have done little to hide their affinity for Three Percenter iconography.

Like Pratt, Stockton also sells items referencing far-right imagery. He sold leather under the name [High Brass Leather](#) and metal under the name [Live Free EDC](#). Products with the coiled snake of the Gadsden flag and the Three Percenters logo could be observed throughout his stores and their corresponding social media accounts, which have since been set to private.

Among the items in Stockton's stores were a \$200 knife clip and a [silver Gadsden flag bottle opener](#) listed at \$746.40.

Stockton also reposted numerous photos with Three Percenter iconography. Just prior to the 2016 election, he shared a photo of several guns with the caption, "getting ready for the election tomorrow."

Stockton disavowed political violence when reached for comment.

"I strongly condemn the violent and racist views of these extreme right, militia, and anti-government groups," Stockton said in an email. "I believe that law enforcement officers and other public officials cannot keep their oaths to uphold the Constitution if they are associated with any extremist or anti-government groups."



live_free_edc • Follow



live_free_edc #Repost @liberty_edc

Getting ready for the election tomorrow 🙌. Still mind-boggling that Hillary is not in jail. Just remember when you go vote "13 hours" 🇺🇸 #556 #45auto #9mm #glock23 #glock43 #glock36 #glock19 #DTOM #donttreadonme #palmettostatearmory #ar15 #ar9 @thepatriotmilitia @psamtp @therealpalmettostatearmory



66 likes

NOVEMBER 7, 2016

Add a comment...

Post

Screenshot / Open Vallejo

In 2016, Stockton reposted this image from his company's Instagram account. The caption reads, in part, "Getting ready for the election tomorrow." Now a Vacaville city councilmember, Stockton says he "condemns" violence. Credit: Screenshot / Open Vallejo

Stockton did not respond to questions about why he displayed and sold Three Percenter paraphernalia, nor why Cully Pratt made him a Three Percenter display to hang his rifle. Stockton tagged the sheriff's official Instagram page from his leatherworking page. Both of his pages included the sheriff's office emblem.

Deputy Dale Matsuoka, the sheriff's office homeless outreach coordinator, has also posted Three Percenter symbols on his public [Facebook page](#) under the name "Matt Daley" and other aliases. On July 16, Matsuoka changed his Facebook profile picture to the Three Percenter logo. It was accompanied by the slogan, "When tyranny becomes law, rebellion becomes duty."

Other current and former law enforcement officers showed frequent support for Matsuoka's posts. One person who frequently "loved" Matsuoka's Three Percenter posts is [Jeremie Patzer](#), a former Vallejo police officer who shot a man outside a bar while off duty in 2005 and killed a 21-year-old man with a Taser the following year. Despite Matsuoka's open support for extremist views, like Pratt and Stockton, the Solano County Sheriff's Office has [highlighted](#) him publicly for his work.

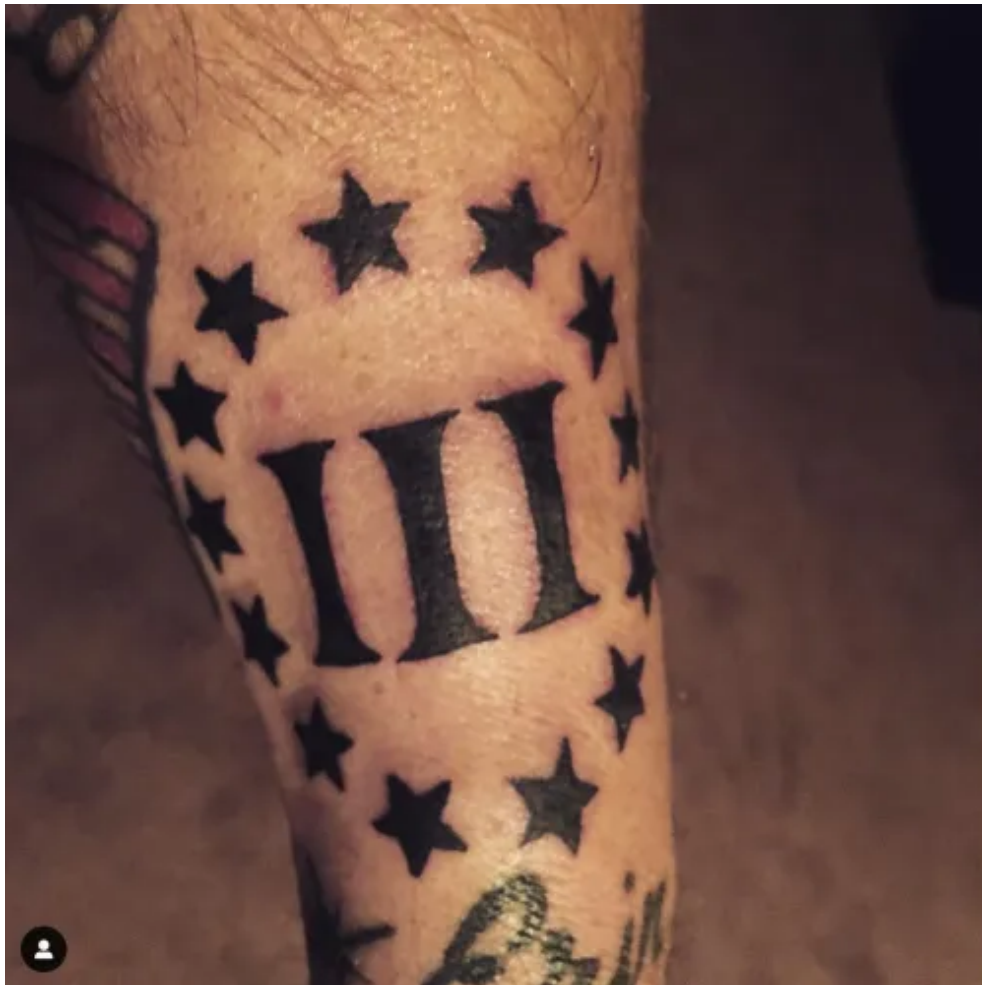


Screenshot / Open Vallejo

Recent images from Deputy Dale Matsuoka's Facebook page. Credit: Screenshot / Open Vallejo

Others who express affinity with the Three Percenter movement have close ties with sheriff's deputies. Pratt and Stockton run a nonprofit, Solano Family First Responders, for which they threw a fundraiser in October of 2019. Numerous law enforcement officials and local politicians attended, including [Sheriff Tom Ferrara](#) and Solano County Supervisors [Erin Hannigan](#) and [Mitch Mashburn](#). A sheriff's lieutenant and Vacaville City Councilmember at the time, Mashburn endorsed Stockton to take his seat on the city council.

During the barbeque, Stockton took a selfie with three men. They include Galen "Jamie" Estes, an employee with the county public works department, who wore a black hooded sweatshirt with a white Spartan helmet situated between two rifles over the Greek phrase, "molōn labé." The phrase, which means, "come and take them," is a rallying cry of anti-gun control hardliners.



Screenshot / Open Vallejo

County public works employee Galen "Jamie" Estes has the Three Percenter logo tattooed on his arm. Estes is connected with several Solano County sheriff's deputies, including members of the command staff. Credit: Screenshot / Open Vallejo

Estes also has a Three Percenter tattoo on his left arm, which appeared fresh when he showed it off in a 2017 Instagram post. He is friends with Stockton, Pratt and at least six other current members of the sheriff's office on Facebook, where he shared numerous Three Percenter symbols.

Estes' other Facebook friends include Sheriff's Lt. Jonathan Mazer and his ex-wife Sgt. Toni Mazer, who recently changed her name to Taylor after she remarried. Taylor "loved" a Three Percenter logo posted to Estes' Facebook page on Jan. 15. She did not respond to emailed questions about whether and to what extent she supports violent extremism.

As public information officer for the sheriff's office, Pratt was tasked with promoting the agency on Facebook and other social media. His famous brother often helped him get a boost of publicity, such as when he attended Super Bowl LII wearing a Solano County Sheriff's Office hat, which the agency noted on Facebook.

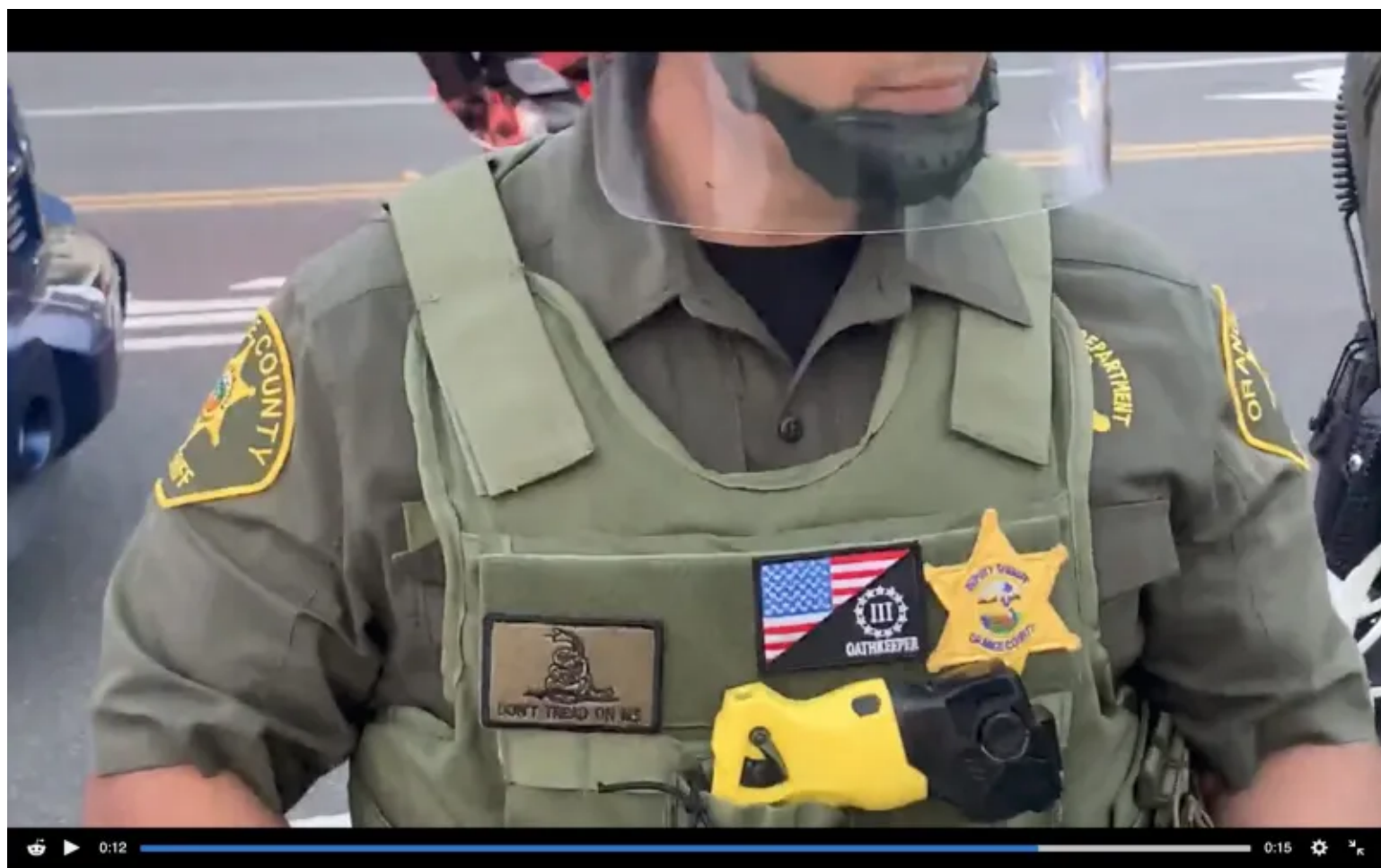


Screenshot / Open Vallejo

Stockton posted about Chris Pratt's appearance at a 2018 sheriff's fundraiser. Pratt has helped draw attention to his brother Cully Pratt's wood carving business, has featured far-right iconography. Credit: Screenshot / Open Vallejo

Chris Pratt has also promoted Cully Pratt's wood carving business to his own 30 million Instagram followers. He sees his brother frequently and has been photographed with Stockton as well. And Chris Pratt's fondness for patriotic imagery has at times shown a reverence for the Revolutionary War. In 2017, Cully Pratt took a selfie with his brother flashing one of Stockton's coiled snakes. Chris Pratt appeared at a sheriff's fundraiser screening of "Jurassic World" in 2018 wearing a hat with the 13 stars of the Betsy Ross flag. Last year, he drew scrutiny when he was photographed wearing a "Don't Tread on Me" shirt.

'Strategic infiltration'



Screenshot / Open Vallejo

In this still image from a video posted to Reddit last June, an Orange County sheriff's deputy is seen wearing a Three Percenter logo and other far-right imagery — but not his nametag — at a protest in Costa Mesa, Calif. He kept his job, according to news reports. Credit: Screenshot / Open Vallejo

Carolyn Gallaher, an American University professor who has studied far right movements, said she was not surprised that law enforcement officers support the Three Percenter movement.

“Far right movements have tried to infiltrate the military and policing and police have not done a very good job of making sure these people don’t wear the badge,” she said.

Indeed, at least **31 police officers in 12 states** are being investigated for their role in the riot at the Capitol, according to the Associated Press. The FBI has **investigated** far-right extremists’ strategic infiltration of local law enforcement for **over a decade**. Officers responding to police brutality protests over the summer **displayed insignia** of the Three Percenters and Oath Keepers, another extremist group. A 2019 **investigation** by Reveal found hundreds of law enforcement officials in extremist Facebook groups.

The true depth of law enforcement **support** for extremism is difficult to ascertain. Many of the law enforcement officials’ social media accounts reviewed by Open Vallejo used pseudonyms. One former California parole officer acknowledged using Parler, a social media company favored by far-right extremists that was shut down by its web hosting service because of its role in organizing the attack on the Capitol. The Oakland Police Department recently **launched an internal investigation** into an Instagram account spreading racist and sexist posts, but has been unable to identify the officer or officers who ran it.

There is also evidence Bay Area law enforcement support for violent extremism goes beyond Solano County. A former Oakland police officer who **attended** the Jan. 6 riot at the U.S. Capitol had his social media posts “liked” by several current and former officers. A Pleasanton police officer is reportedly **under investigation** for his social media posts during the riot. In 2017, the Oath Keepers **had a booth** at Urban Shield, a police training convention hosted by the Alameda County Sheriff’s Office.



Screenshot / Open Vallejo

The official CHP Oakland account “liked” this Three Percenter patch on Instagram. A spokesperson insisted it was a mistake. Credit: Screenshot / Open Vallejo

The official Instagram account of the Oakland-area California Highway Patrol “liked” a post with a Three Percenter logo last year. CHP officials said that they have been unable to determine which employee “liked” the post or when but do not believe it is part of a pattern or suspect any officers of misconduct. Agency spokesperson Officer Sean Layton said that while officers should never take any political stance while acting as police, when they were off-duty they had the right to their own political opinion. He said the “like” was a mistake and took it down.

Gallagher called the idea that officers could affiliate with extremist groups like the Three Percenters in their spare time “nonsense.”

“If you are a policing agency ... you do not want extremists working for you, you shouldn’t want that,” she said. “It suggests that the police are supporting these groups and an agenda that is not to protect and serve all.”

SCOTT MORRIS

Scott Morris is an independent journalist in Oakland and San Francisco covering police use of force, civil rights, protest and neighborhood news. In 2020 he was a reporter with ProPublica's Local Reporting Network based at the Bay City News Foundation.

[MORE BY SCOTT MORRIS](#)

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Amid calls for investigation, sheriff stands by deputies who displayed militia support

By Scott Morris | March 9, 2021



Sheriff Tom Ferrara.

Solano County Sheriff Tom Ferrara indicated he does not plan to investigate potential far-right extremism within his agency, despite growing calls to do so after several deputies spent years promoting the Three Percenters, an anti-government militia whose adherents have planned and executed terrorist attacks across the country.

In a statement, Ferrara dismissed an Open Vallejo [investigation](https://openvallejo.org/2021/03/09/amid-calls-for-investigation-sheriff-stands-by-deputies-who-displayed-militia-support/) published last month that revealed two sergeants and a deputy had displayed support for the Three Percenters. But

federal, state and local officials, including two members of Congress and a state assemblymember for Solano County, voiced alarm at the deputies' conduct and called on authorities to investigate.

“The events that transpired in Washington, DC on January 6th showcased to the world what will happen if hate and intolerance go unchecked and unaddressed in our society,” U.S. Rep. John Garamendi, whose district includes Fairfield and Vacaville, said. “If the allegations in this report are true then steps must be taken to ensure these structural issues are addressed,” he said.

Ferrara declined to respond to detailed written questions that Open Vallejo sent more than a week prior to publication. He said in the statement, released four days after Open Vallejo's article, that he did not believe the deputies aligned themselves with the extremist group they promoted.

“I want to be clear — the employees targeted in this article all serve this agency and this community with passion and dedication,” Ferrara said. “The employees told me that their intention was to support the 2nd amendment and the U.S. Constitution.”



Cully Pratt

Daniel "Cully" Pratt made this rifle rack for fellow Solano County Sheriff's Sgt. Roy Stockton, who was elected to the Vacaville City Council in November. It depicts the logo of the Three Percenters, a far-right militia that has been linked to terrorist plots across the country. An Open Vallejo investigation found that Pratt, Stockton, and Deputy Dale Matsuoka shared imagery linked to the extremist group over the course of several years. Credit: Cully Pratt

But according to the FBI and U.S. Department of Justice, the Three Percenter movement goes beyond support for the Second Amendment. Three Percenter ideology includes a willingness to violently resist the federal government, authorities have alleged in court papers. Adherents have been prosecuted for a series of bombing and kidnapping plots across the country. Numerous rioters at the U.S. Capitol on Jan. 6 displayed Three Percenter emblems and at least five people associated with the movement have been charged in connection with the day's events.

Rep. Mike Thompson, D-Napa and Chairman of the House Gun Violence Prevention Task Force, also called for further investigation.

“Any potential ties that law enforcement members or any public officials have to extremist groups should be promptly investigated by the authorities with the proper jurisdiction,” Thompson said, noting that he called for a commission to investigate the attack on the Capitol and the government’s failure to address domestic terrorism.

Assemblymember Tim Grayson, D-Concord, said he is “deeply concerned” about any extremist ties in the community and particularly law enforcement where their presence could further undermine trust.

“Accountability is a must,” Grayson said, “and I support all efforts to hold public servants to the highest standards so that we can rebuild trust, ensuring everyone in our community can feel and be safe.”

Robert McConnell, the newly-elected mayor of Vallejo, said that from what he knows about Three Percenters he believes it is incompatible with being a law enforcement officer and worried that such groups may have broader support in Solano County law enforcement. “That is a classic conflict of interest and requires a stand down from the position occupied to which tax payer dollars flow for true professional performance,” McConnell said. “Anything less is not only unacceptable, unprofessional conduct, but lacks honor.”

Solano County Supervisor Monica Brown noted that she could not comment on specific county employees, but said she found the extremist groups as described in the Open Vallejo article “deeply disturbing.”

“After the insurrection on Jan 6th, it is even more incumbent on us to reject extremist groups and ideology that undermine our democratic government,” she said.

Vallejo city councilmember Tina Arriola said that Three Percenter logos and other extremist imagery have no place in area law enforcement and any potential corruption should be investigated by an impartial and trustworthy third party. “These revelations have, I’m sure, created just cause for public concern that needs to be addressed and rectified,” she said.

Local residents and community groups have also called for an investigation. In a [letter](#) published in the Vallejo Times-Herald, Benicia Black Lives Matter called the Open Vallejo

report “terrifying” and the sheriff’s response “underwhelming.”

“We demand the leaders of Solano County and City of Benicia not only visibly and vocally condemn right-wing extremism,” the letter stated, “but also pledge to conduct a full investigation both at the county and city levels to ensure that policies and procedures — including those focused on recruitment and disciplinary actions — are in place to actively expel these extremists from the ranks of law enforcement and to prevent their recruitment in the first place.”

The deputies who displayed Three Percenter emblems include Sgt. Daniel “Cully” Pratt, previously the department’s public information officer; Sgt. Roy Stockton, whom Ferrara endorsed for the Vacaville City Council; and Deputy Dale Matsuoka, the department’s homeless outreach coordinator.

Pratt and Stockton sold crafts with Three Percenter symbols and their posts suggested a willingness to violently defy the federal government, including a gun rack that Pratt made for Stockton’s AR-15 rifle that included a Three Percenter emblem and the words, “WILL NOT COMPLY.”

Stockton took office on the Vacaville City Council in January. During public comment at the first meeting since the article was published, speakers referenced the report and questioned Stockton’s fitness to lead. Supervisors Mitch Mashburn and Joe Vasquez, who endorsed Stockton for the council, did not respond to questions about whether they stood by their endorsements. Mashburn is a former Solano County sheriff’s lieutenant and Vacaville councilmember.



Open Vallejo / Screenshot

Deputy Dale Matsuoka posted numerous Three Percenter symbols to his personal Facebook page under the name Matt Daley and other pseudonyms. Credit: Open Vallejo / Screenshot

Pratt did not respond to questions from Open Vallejo either before or after publication, but provided a statement to other media outlets which echoed Ferrara's characterization that he only meant to show support for the Second Amendment by sharing symbols associated with the Three Percenters.

Pratt said that in 2016, when he posted a photo of the gun rack he made for Stockton with the hashtag "#3percenter," he believed the Three Percenter movement was "strictly in support of the 2nd Amendment and Pro-American — not in any way extremist anti-government views." Earlier that year, Three Percenter groups participated in an armed standoff with federal authorities in Oregon that left one man dead.

"I am disheartened that a photo taken in 2016 is now being used to link my family name to a radical attack on the US Capitol in 2021 and disparage work that I have done in the community trying to bring folks together," Pratt's statement read. Pratt first posted photos of the gun rack in 2016 and periodically reposted it for years, most recently in December 2018.



Federal Bureau of Investigation

FBI surveillance footage shows militant LaVoy Finicum moments before he is shot dead by two Oregon State Police officers during the 2016 armed occupation of the Malheur National Wildlife Refuge in Harney County, Oregon. Three Percenters armed with rifles took part in the standoff.

Ferrara did not respond to follow up questions from Open Vallejo about whether he plans to investigate potential extremist support within his agency or whether he is confident that his office can effectively investigate domestic terrorism involving the Three Percenters or other violent far-right groups.

Some proposed legislation could force Ferrara to take action.

In February, state Assemblymember Ash Kalra, D-San Jose, introduced a bill, [AB 655](#) that would require law enforcement agencies to investigate whether officers have participated in specified “hate group activities,” including the display of symbols associated with hate groups on social media. If they had, it could disqualify them for employment.

Roseryn Bhudsabourg, a spokesperson for Kalra, said that such investigations are “critically needed” and “extremism, racism, and bias have no place among our law enforcement agencies and only contributes to the erosion of public confidence in the legitimacy and fairness of our justice system.” She said that it appears the actions of the Three Percenters meet the definition of a hate group in the bill.

The state Department of Justice said in a statement that law enforcement officers found to be involved in violent extremism should be removed. “There’s no place for violent extremism of any kind in law enforcement,” the department said. “It erodes public trust and we look forward to working with our partners at the federal, state, and local level to address these recently-heightened concerns through all appropriate means, including potentially through officer decertification for serious misconduct in the future.”

The gravity of the threat posed by extremist groups was again highlighted in January, when Napa County sheriff’s deputies, working with the FBI, arrested an American Canyon man who allegedly possessed pipe bombs and dozens of firearms, including a belt-fed machine gun. Authorities [allege](#) that Ian Rogers, who owns a specialty auto repair in Napa, may have had intended to target state politicians and technology companies.

He also had a Three Percenter emblem on his car, investigators allege. In an affidavit, FBI Special Agent Stephanie Minor wrote of the emblem, “I know from my training and experience and my discussions with other agents experienced in domestic terrorism investigations that this sticker is commonly used by so-called ‘Three Percenters,’ people who ascribe to extreme anti-government, pro-gun beliefs.”

Ferrara, while appearing to stand by his deputies, insisted in last month's prepared statement that extremist beliefs have no place in law enforcement.

"And if there is ever a time when a member of our office is displaying support to overthrow the government," he wrote, "it will be dealt with swiftly."

SCOTT MORRIS

Scott Morris is an independent journalist in Oakland and San Francisco covering police use of force, civil rights, protest and neighborhood news. In 2020 he was a reporter with ProPublica's Local Reporting Network based at the Bay City News Foundation.

MORE BY SCOTT MORRIS

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TERMS	Shipper
SPECIAL HANDLING SECTION	Deliver Weekday

Package details

WEIGHT	2 lbs / 0.91 kgs
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TOTAL SHIPMENT WEIGHT	2 lbs / 0.91 kgs
PACKAGING	FedEx Envelope

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Monday, 3/25/24	5:00 PM	Picked up At FedEx Office	RANCHO SANTA MARGARITA, CA
	7:00 PM	Shipment information sent to FedEx	
	5:01 PM	Shipment arriving On-Time	RANCHO SANTA MARGARITA, CA
	7:04 PM	Picked up	IRVINE, CA
	8:19 PM	Left FedEx origin facility	IRVINE, CA
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Tuesday, 3/26/24	2:35 AM	Departed FedEx hub	OAKLAND, CA
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